

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22141 of 2025

Arising Out of PS. Case No.-157 Year-2024 Thana- PALANWA District- East Champaran

Jitendra Mahto S/o Late Hira Mahto R/o Village- Laxmipur, P.S.- Palanwa,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Palanwa P.S. Case No. 157 of 2024 for the offence registered under sections 274, 275, 318(4), 317(5) of BNS and under Section 30(a) of the Bihar Prohibition and Excise Act of lodged on 20.10.2024 by the informant Hulas Rai.

3. As per the prosecution story, the informant alleged that on secret information that Kailash Paswan is selling liquor, the informant along with police officials reached that place. Further, an accused (petitioner) is/was found coming on a motorcycle but on the site of Police, he escaped leaving the motorcycle from which there is recovery/seizure of 10 litre country made liquor, the locals gave the name of the petitioner. This led to the FIR.



4. Learned Counsel for the petitioner submits that though he has criminal antecedent, the same is not of the Excise Act, he does not own the said motorcycle and only due to enmity, the locals have implicated him. Nothing has been recovered from his conscious possession and lastly, without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10000/- to the District Legal Services Authority, East Champaran, Motihari for the beautification of Civil Court Campus of East Champaran, Motihari Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts as also that the motorcycle does not belongs to him nor there is anything recovered from his conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.10,000/- to the District Legal Services Authority, East Champaran, Motihari for putting up flower pots in the Civil Court Campus of East Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the



Trial Court by the DLSA, East Champaran, Motihari.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-02, East Champaran, Motihari in connection with Palanwa P.S. Case No. 157 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Let a copy of the order be sent to the Principal District and Sessions Judge, East Champaran, Motihari for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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