

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33819 of 2025**

Arising Out of PS. Case No.-119 Year-2023 Thana- BELHAR District- Banka

1. Munna Kisku son of Rasik Kishu @ Raska Kisku Resident Of Village -Jarlahi, Ps- Belhar, Dist- Banka
2. Anil Kisku @ Dasrath Kisku Son of Late Babua Kisku Resident Of Village -Jarlahi, Ps- Belhar, Dist- Banka
3. Rucho Kisku @ Luyo Kisku Son of Late Mohan Kisku Resident Of Village -Jarlahi, Ps- Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 20-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Belhar P.S. Case No. 119 of 2023 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.03.2023 by the informant Ramashankar Singh.

3. As per the prosecution story, the informant alleged that during the night patrolling and secret information, the police reached inside the forest, though those present managed to escaped. Manufacturing of local liquor was being made at 3 different places. There is total recovery of 3500 kg mahua which was destroyed beside 30 liters country made mahua and utensils



be utilised for its manufacturing. Locals gave the name of the persons who escaped, petitioners included. This led to the FIR.

4. Learned Counsel for the petitioners submits that recovery/seizure is from the open place not from conscious possession. Actual recovery is 30 liter mahua liquor and rest that finds incorporated in the FIR, admittedly they are destroyed and as such the same cannot be accepted/ascertained. These petitioners have no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they were manufacturing mahua.

6. Considering the facts and circumstances of the case, the petitioners have no criminal antecedent, the recovery/seizure is from open place, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners 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 bonds 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 No.I, Banka in connection with



Belhar P.S. Case No. 119 of 2023 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 petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 petitioners 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.

(Rajiv Roy, J)

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