

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30909 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- HARNAUT District- Nalanda

Vijay Mahto @ Vijay Kumar Sinha S/o Chandeshwar Mahto R/o Vill.-
Maheshpur, P.S.- Harnaut, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025 Learned counsel for the petitioner at the outset submits that in para-9 it has been wrongly recorded that he has no concern with the poultry farm and as such he shall be paying Rs. 500/- to the Patna High Court Legal Services Committee and the receipt shall be submitted in the Court today itself.

Heard the parties.

2. The petitioner is apprehending arrest in connection with Harnaut P.S. Case No. 109 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 08.03.2025 by the informant, Vikramaditya Dwivedi.

3. As per the prosecution story, the informant alleged that on secret information, the Police raided the house of the petitioner who managed to escape but there is recovery/seizure of 10 liters of liquor from the poultry farm. This led to the FIR.



4. Learned counsel for the petitioner accepts that the poultry farm belongs to him. It is a public place, opened to everyone, he do not have criminal antecedent and shall be diligently appearing in trial.

5. Learned APP opposes the prayer.

6. Considering the submissions of the parties as also that the recovery/seizure is from the poultry far and not from his personal possession, has no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Harnaut P.S. Case No. 109 of 2025 to the satisfaction of learned District and Additional Sessions Judge-Vth cum Special Judge Excise-1, Nalanda at Biharsharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her 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 his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 his bail bonds.

(Rajiv Roy, J)

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