

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34487 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- TURKAULIYA District- East Champaran

1. Asha Devi @ Kripa Devi W/O Ravindra Mahto @ Rabindra Mahto R/O Vill.- Chagnaha Giri Tola, P.s.- Turkauliya, Dist.- East Champaran
2. Ravindra Mahto @ Rabindra Mahto S/O Bholu Mahto R/O Vill.- Chagnaha Giri Tola, P.s.- Turkauliya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Turkauliya P.S. Case No. 37 of 2025 for the offence registered under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act lodged on 23.01.2025 by the informant Mandan Kumar.

3. As per the prosecution story, the informant alleged that on the basis of information, the police reached the place. Two persons managed to escape after throwing the bag. Upon search, 25 liters of country made liquor was recovered and the locals gave the name of these two petitioners. This led to the



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4. Learned counsel for the petitioners submits that the recovery/seizure is from an open place, due to enmity they have been implicated, one of the petitioners Ravindra Mahto @ Rabindra Mahto has criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail and submits that despite the learned Sessions Judge recording that the petitioner Ravindra Mahto @ Rabindra Mahto has criminal antecedent, in the main petition, it was recorded that he has no criminal antecedent. Subsequently, by way of supplementary affidavit, it has been recorded.

6. This Court has repeatedly taken note of the fact that despite the learned Sessions Judge recording that the petitioner has criminal antecedent, the present office in the main petition records that the petitioner has no criminal antecedent and only by way of supplementary affidavit, the same is brought on record that he/she has criminal antecedent. The said attitude is deprecated and this is a fit reason for rejection of the present bail case.

7. However, considering the fact that one of the petitioner is a lady, she has no criminal antecedent, in that



background, after warning the concerned office to be agile in future, this Court is inclined to grant them the anticipatory bail with conditions.

8. 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 of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.-1, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 37 of 2025 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 is *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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