

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38087 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- SIRISIYA District- West Champaran

Rajkishor Mahto S/o Mahesh Mahto R/o Village- Garabhua Lala Tola, P.S-
Sirisiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sirisiya P.S. Case No. 63 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition & Excise Act, 2018 lodged on 16.04.2025.

3. As per the prosecution story, the informant alleged that on secret information, the Police raided the place of occurrence and though the accused managed to escape, the local *Choukidar* named him. From the hut, there is recovery/seizure of 45 liter country made liquor.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession and only because of enmity, the *Choukidar* has named him. The



place from which the recovery has been made is an open place where the food for the cattle is being kept.

5. Learned APP for the State, Jitendra Kumar Singh, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also the fact that recovery is from a hut and not from his conscious possession, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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 Court of Exclusive Special Judge, Excise Court No-1, Bettiah, West Champaran in connection with Sirisiya P.S. Case No. 63 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 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 one year 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.

(Rajiv Roy, J)

Vijay Singh/-

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