

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76349 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Rajiv Kumar Son of Sahdev Mahto Resident of Village - Gangapur, Ward
No.-08, P.S. - Musarigharari, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-02-2025 Heard Ms. Khushi Awadh, learned counsel for the
petitioner and Mr. Ajay Kumar 2 representing the State.

2. The petitioner is apprehending his arrest in connection with Musarigharari P.S. Case No. 102 of 2024 for the offence under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, lodged on 19.07.2024 by the informant, Pradeep Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, it reached the place of occurrence when the accused started escaping. The chowkidar identified the petitioner being one of them and behind the bushes, there is allegation of recovery of 819 liters of foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the



chowkidar has implicated the persons, the recovery is from an open place, considering the aforesaid facts, Md. Sonu has been extended relief in Cr. Misc. No. 67947 of 2024. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Samastipur for the beautification of the Civil Court Campus of Samastipur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP though opposes the prayer concede that he is similarly situated to Md. Sonu who has been extended relief.

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession, one of the co-accused has been extended relief, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs.20,000/- to the District Legal Services Authority, Samastipur for the beautification of Civil Court Campus of Samastipur 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, Samastipur.



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-1st, Samastipur in connection with Musarigharari P.S. Case No. 102 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 communicated to the learned Principal District Judge, Samastipur for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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