

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85794 of 2024

Arising Out of PS. Case No.-573 Year-2024 Thana- HISUWA District- Nawada

Indal Rajbanshi S/O Chando Rajbanshi R/O Village- Dumari (Mushari Tola),
P.S- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 30(a) of

the Bihar Prohibition & Excise Act, 2016.

3. There is recovery of 10 litres of country made

mahua liquor, some manufacturing articles and 200 litres of

mahua ghol from the house of co-accused Chando Rajbanshi.

The petitioners are alleged to have fled away from the place

of seizure.

4. It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely been



implicated in the present case. The petitioner was not apprehended from the spot nor anything has been recovered from his possession. The petitioner has got no concern with the alleged illicit liquor. His name sprang up in this case on the basis of secret information. There is no independent witness of the alleged seizure. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, similarly situated co-accused persons have been granted bail vide order dated 02.12.2024, passed in Cr. Misc. No. 79265 of 2024 by this Court

5. Learned APP appearing for the State has vehemently opposed the prayer for bail.

6. Considering the fact that petitioners were not apprehended from the spot and nothing incriminating has been recovered from conscious possession of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on his furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Exclusive Special Excise Court-I, Nawada in connection with Hisua P.S. Case No. 573 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as the following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tamper with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, their bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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