

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10126 of 2025

Arising Out of PS. Case No.-355 Year-2024 Thana- SIMRI District- Buxar

1. Arvind Bind @ Arvind Kumar S/O Mahavir Bind R/O Village- Kazichak, P.S- Simari, District- Buxar
2. Babali Bind @ Jairam Bind @ Jai Ram Bin @ Jai Ram S/O Kashinathnath Bind @ Kashinath Choudhary R/O Village- Kazichak, P.S- Simari, District- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Satyapal Singh, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 At the outset, learned counsel for the petitioner submits that the petitioner no.1 has been arrested during pendency of this petition.

2. Hence, the bail application against petitioner no.1 is dismissed as having become infructuous.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Simri PS. Case No.355 of 2024 dated-19.12.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



5. As per the allegation 30 liters of chulai wine was recovered from open space near Kazipur pond.

6. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the name of the petitioner has transpired in the confessional statement of the co-accused and the petitioner has no concern with the alleged recovery of liquor.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

8. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in three other case in which he is on bail.

9. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

10. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-2, Buxar, in connection with Simri PS. Case No.355 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing them and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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