

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9762 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- TAJPUR District- Samastipur

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Anshu Kumar, S/O Bhola Sah @ Bhola Prasad, Resident Of Village- Motipur,
P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Tajpur P.S. Case No. 07 of 2025 dated 08.01.2025 instituted for
the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of total 871.180 litres
foreign liquor from the pick-up van bearing Registration No.
BR01GN-2349.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner has been made
accused in this case only on the basis of confessional statement
of co-accused Suraj Kumar Mahto who was apprehended at the



spot. The said Suraj Kumar Mahto was the driver of the said vehicle who has been granted bail vide order dated 18.02.2025 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 8842 of 2025. The petitioner is neither the owner nor the driver of the said vehicle. Nothing has been recovered either from the conscious possession of the petitioner or from his house. Lastly, it has been submitted that petitioner has two criminal cases against him of the similar nature.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Tajpur P.S. Case No. 07 of 2025, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise)-02, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter2025 the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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