

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9340 of 2025

Arising Out of PS. Case No.-1118 Year-2024 Thana- BIHTA District- Patna

1. Guddu Kumar Son of Vinath Ray Resident of Mustafapur, P.S. - Bihta, District - Patna
2. Gandhi Kumar @ Gandhi Son of Sitab Ray Resident of Mustafapur, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-03-2025 Learned counsel for the Petitioner No. 2 seeks permission to withdraw the anticipatory bail application of Petitioner No. 2, namely, Gandhi Kumar @ Gandhi, who has been arrested during pendency of this case.

2. Considering the aforesaid facts and circumstances of the case, the anticipatory bail application is dismissed as withdrawn so far as it relates to Petitioner No. 2, namely, Gandhi Kumar @ Gandhi.

3. Heard learned counsel for the Petitioner No. 1 and learned A.P.P. for the State.

4. The Petitioner No. 1 apprehends arrest in connection with Bihta P.S. Case No. 1118 of 2024 dated 03.12.2024, instituted for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

5. The allegation is of recovery of 1170 litres of



country made *Mahua* liquor from *Khatal* of Gandhi Kumar @ Gandhi (Petitioner No. 2), who has been arrested during pendency of this case.

6. Learned counsel for the petitioner submits that the Petitioner No. 1 is innocent and he has been falsely implicated in this case. It is submitted that nothing has been recovered either from conscious possession of the petitioner no. 1 or from his house, rather, the said illicit *Mahua* liquor was recovered from *Khatal* of Gandhi Kumar @ Gandhi. It is further submitted that petitioner has no concern with the said recovery. Lastly, it has been submitted that he has one criminal case against him of the same nature.

7. Learned A.P.P. has opposed the prayer for bail of the Petitioner No. 1.

8. 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 no. 1 within a period of six weeks from today, in connection with Bihta P.S. Case No. 1118 of 2024, Petitioner No. 1 shall be released on anticipatory 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 Excise Judge, Danapur,



subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner No. 1 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.

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

3. The bailor shall also state on affidavit that he will inform the court concerned if the Petitioner No. 1 is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the Petitioner No. 1 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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