

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10107 of 2025

Arising Out of PS. Case No.-116 Year-2024 Thana- CHIRAIYA District- East Champaran

Munna Kumar S/o- Shankar Rai Resident of village- Piparpati PS- Chiraiya
Motihari District-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Prasad, Advocate

For the State : Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Chiraiya P.S. Case No.116 of 2024, dated 25.03.2024 registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition & Excise Amendment, Act, 2016.

3. As per allegation, there is recovery of 35.7 liters of Nepali country made liquor from a motorcycle lying on the road.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the seized motorcycle does not belong to the petitioner. He also submits that the petitioner has



nothing to do with the alleged offence. He also submit that there is no material on record which could connect the petitioner with the alleged offence.

5. 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.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. 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 Excise Court of Special Judge, Excise Court No.I, East Champaran, Motihari, in connection with Chiraiya P.S. Case No.116 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, learned court below shall cancel the bail bonds of the petitioner after hearing him 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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