

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13660 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- PATKHAULI District- West Champaran

Deepak Kumar Son of Ashok Prasad @ Ashok Sah Resident of village -
Barwal, Ward No.- 5, Police Station - Pathkauli, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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

ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Pathkauli P.S. Case No. 122 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016, lodged on 27.08.2024 by the informant, Harish Chandra.

3. As per the prosecution story, recovery of 150 litre of country made liquor has been made from a motorcycle bearing Reg. No. BR-06AZ-6487, which was being driven by one Anil Kumar who was apprehended on the spot. Petitioner is alleged to be second owner of the seized motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. Neither he was apprehended on spot nor anything incriminating has been recovered from his conscious possession. His name sprang up in this case merely because he is the second owner of the seized motorcycle. Proper procedure of search and seizure has not been followed in this case. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, similarly situated co-accused sahab Yadav has already been granted bail vide order dated 02.12.2024, passed in Cr. Misc. No. 79561 of 2024, by this Court.

5. Learned APP opposes the prayer for bail and submits that the petitioner has one criminal antecedent of the same nature, in which he is on bail.

6. Taking into account the fact that nothing has been recovered from the conscious possession of the petitioner and his name has been arrayed in this case on the basis of being the second owner of the aforesaid motorcycle, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the



satisfaction of learned Special Judge, Excise, Bagaha, West Champaran in connection with Pathkauli P.S. Case No. 122 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(S. B. Pd. Singh, J)

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