

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13790 of 2025

Arising Out of PS. Case No.-102 Year-2021 Thana- BAKHTIYARPUR District- Patna

1. Hari Shankar @ Haddi S/o Swarath Rai Resident of Village- Naya Tola, PS- Bakhtiyarpur, Dist- Patna
2. Kallu Kumar @ Kallu Ray @ Kalu Ray S/o Butelal Ray Resident of Village- Naya Tola, PS- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), of the Bihar Prohibition and Excise Act.

3. From perusal of the First Information Report and the seizure list, it would appear that a total recovery of 189.400 liters of country made liquor was recovered from two motorcycles and one tempo.

4. Learned counsel for the petitioners submits that the name of the petitioner has surfaced in this case on account of statement of some local villagers as one of the person fled away



from the place of occurrence. The petitioners are neither owner of the two motorcycles or of the seized tempo. As a matter of fact, there is no recovery from the physical and conscious possession of the petitioners.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that the petitioner no. 1 has one criminal antecedent and the petitioner no. 2 has two criminal antecedents of similar nature, in response to which the learned counsel for the petitioner has submitted that the petitioners are on bail in all the said cases.

6. Considering the above facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Barh in connection with Bakhtiyapur P.S. Case No.102 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) The petitioners shall co-operate in the investigation/trial.



(ii) The learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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