

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16460 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- BAKHTIYARPUR District- Patna

Monu Kumar Son of Atul Ram @ Atul Prasad Chandrabanshi Resident of
village - Belthan, ps- Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-05-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, it is stated that there is a recovery of 37.26 litres of foreign liquor made from the house of the petitioner.

4. Learned counsel for the petitioner submits that as a matter of fact, there is no recovery from the house of the petitioner and it is also indicated in the bail rejection order that the said recovery has been made from a hut besides the house of the petitioner. It is submitted on behalf of the petitioner that the house is also a joint family property and hence, no liability can



be fixed upon the petitioner. No recovery has been made from the physical and conscious possession of the petitioner and as a matter of fact, the liquor was recovered from a co-accused Suraj Kumar and it is only on his confessional statement that the petitioner has also been involved in the present case.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that there is one criminal antecedent, however, it is submitted that the same is not of similar nature and the petitioner submits that he is on bail in all the said case.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his 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 Excise Judge, Barh, Patna, in connection with Bhaktiyarpur P.S. Case No.15 of 2025 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 petitioner shall co-operate in the investigation/trial.



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

(Soni Shrivastava, J)

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