

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17959 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- JOGAPATTI District- West Champaran

Vijay Kumar Kushwaha @ Vijay Prasad Kushwaha, son of Jaynarayan Prasad Kushwaha @ Jay Narayan Prasad @ Doma Kushwaha, r/o Village - Semari Man, Ghodpadwa, P.S.- Nawalpur, Dist- West Chamapran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Raki Alam, Advocate.

For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Yogapatti P.S. Case No. 92 of 2025 dated 23.02.2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per allegation, 86.400 litres illicit liquor has been recovered from the Motorcycle and the persons who were driving the Motorcycle fled away.

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 Motorcycle in question does



not belong to the petitioner. He also submits that the petitioner is no way connected in the alleged offence. His name has been dragged only on the basis of suspicion.

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 petition that the petitioner has been made accused in two other cases and in one he is on bail.

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 Exclusive Special Judge Excise-II, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 92 of 2025, 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 criminal antecedents other than the disclosed one, 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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