

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20508 of 2025

Arising Out of PS. Case No.-43 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. Keshav Kumar @ Keshav Thakur @ Keshav Kumar Thakur Son of Kalakant Thakur Village -Neuri PS -Beroul Distt -Darbhanga
2. Deepak Kumar Son of Ram Bhadur Prasad Village -Neuri PS -Beroul Distt -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-04-2025 Heard Mr. Ghanshyam Choudhary, learned counsel for the petitioner and Mrs. Sucheta Yadav, learned APP.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 43 of 2022 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 30.01.2022 by the informant, Nepali Kumar.

3. As per the prosecution story, the informant alleged that upon knowledge that these two petitioners are selling liquor in the house of Dharmendra Kumar Choudhary reached the place. Though the accused managed to escape, there is recovery/seizure of 20 liter 700 ml English wine from the room which led to the FIR.

4. Learned counsel for the petitioner submits that



contrary to the allegation in the FIR, they had already vacated the room and the landlord only to implicate them, gave their names, since they had vacated, had no knowledge of the lodging of the FIR which delayed coming to the Court. Though the petitioners do not have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 10,000/- each (totalling Rs. 20,000/-) to the District Legal Services Authority, Darbhanga for fixation of music system in the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that they have delayed coming to the Court and further, the landlord has given the name of the two accused persons/petitioners herein. She submits that the case is of the year 2022 and the process under Section 82 of the Cr.P.C. may have been issued against them.

6. Learned counsel for the petitioners submit that to his information, no such process has been initiated.

7. Taking into account the submissions of the parties as also that the petitioners do not have criminal antecedent, according to them, they have vacated the room, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- each (totalling



Rs. 20,000/-) to the District Legal Services Authority, Darbhanga for fixation of music system in the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Darbhanga.

8. If, however, it is found that the 82 Cr.P.C. notice has been issued and/or any of them has criminal antecedent, the order with regard to the said petitioner shall become infructuous.

9. 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) with two sureties of like amount each to the satisfaction of learned Special Judge Excise 1, Darbhanga in connection with Bahadurpur P.S. Case No. 43 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

10. A copy of the order be sent to the Principal District and Sessions Judge, Darbhanga for his perusal and needful.

(Rajiv Roy, J)

Adnan/-

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