

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20066 of 2025

Arising Out of PS. Case No.-606 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Md. Naseer S/o Abdul Hayat R/o S.D.O. Road Hajipur, P.S.- Hajipur, Distt.-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh representing the State.

2. The petitioner apprehends his arrest in connection with Hajipur P.S. Case No. 606 of 2020 for the offence registered under sections 414 of the IPC & Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018 lodged on 04.10.2020 by the informant Shaileshwar Kumar Singh.

3. As per the prosecution story, the informant alleged that two motorcycles were intercepted, one with 55 liter country made liquor and another with 45 liter country made liquor (totaling 100 liters of country made liquor), which led to the FIR. Subsequently during investigation, it was found that one of the motorcycle was stolen one.

4. Learned Counsel for the petitioner submits that he



owns the other motorcycle, *Passion Pro* from which 45 liter liquor recovered/seized, only because he being the owner, implicated, had no knowledge about the present FIR, hence delayed coming to the Court, he has no criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Vaishali for the installation of music system/beautification of Civil Court Campus of Vaishali Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though the petitioner may be the owner, the other motorcycle was a stolen one and altogether recovery is of 100 liter country made liquor.

6. Considering the submissions of the parties as also the fact that the petitioner has no criminal antecedent and was not present at the spot rather he is the owner of the vehicle, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.15,000/- to the District Legal Services Authority, Vaishali for the installation of music system/beautification of Civil Court



Campus of Vaishali Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Vaishali.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Addl. District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur P.S. Case No. 606 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Vaishali for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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