

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22396 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- Excise P.S. District- Aurangabad

Surendra Kumar Son of Krishna Singh Resident of Village- Binduliya R.
Pithauna, P.S. - Barun, District - Aurangabad (Bihar), PIN - 824112

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise, Sadar Aurangabad P.S. Case No. 179 of 2025 for the offence under sections 30(a), 30(d) and 32(3) of the Bihar Prohibition and Excise Act lodged on 14.02.2025 by the informant, Vishwajeet Kumar Singh.

3. As per the prosecution story, the informant alleged that a motorcycle on the sight of Police tried to return, fell down. As the Police tried to catch him, he escaped leaving the motorcycle from which there is/was recovery of twenty one liters country-made wine as also six hundred pieces of empty bottles. This led to the FIR.

4. Learned counsel for the petitioner submits that his



motorcycle was parked somewhere, taken away, he was searching it, in between came the news that it has been seized by the Police. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Aurangabad for beautification/for putting up flower pots of the Civil Court Campus of Aurangabad Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions of the parties as also that recovery/seizure is not from his conscious possession, according to him, the motorcycle was missing, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Aurangabad for beautification/for putting up flower pots in the Civil Court Campus of Aurangabad 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, Aurangabad.



7. 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-II, Aurangabad, in connection with Excise, Sadar Aurangabad P.S. Case No. 179 of 2025 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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Aurangabad for his/her perusal and to do the needful.

(Rajiv Roy, J)

Adnan/-

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