

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22079 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- MALAHI District- East Champaran

SHAMBHU MISHRA @ SHAMBHU NATH MISHRA Son of Ramanand
Mishra R/o Vill.- Shankar Saraiya Rama Singh Tola, P.S.- Turkauliya, District
- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Malahi P.S. Case No. 19 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 13.01.2025 by the informant, Karan Singh.

3. As per the prosecution story, the informant alleged that during the patrolling on secret information, the place was raided and there is recovery of 8.200 liters of country made liquor from the bamboo orchard near the poultry farm of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered from his poultry far rather near it from the bamboo orchard. Further, he shall be diligently appearing in trial and irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to



the District Legal Services Authority, East Champaran, Motihari for the beautification of the Civil Court Campus, East Champaran, Motihari through Demand Draft issued by the local branch of the State Bank of India.

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

7. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession nor from his poultry farm, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, East Champaran, Motihari for the beautification of the Civil Court Campus, East Champaran, Motihari through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Malahi P.S. Case No. 19 of 2025 to the satisfaction of learned Special Judge, Excise



Court No.1, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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.



9. Let a copy of this order be communicated to the
learned Principal District and Sessions Judge, East Champaran,
Motihari for his perusal and needful.

(Rajiv Roy, J)

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