

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25870 of 2025

Arising Out of PS. Case No.-406 Year-2024 Thana- BANJARIA District- East Champaran

1. Subhash Mukhiya Son of Mahesh Mukhiya village- Chichurahiya, Ps -Banjariya, District- East Champaran
2. Nitish Sahani son of Rameshwar Sahani village- Chichurahiya, Ps -Banjariya, District- East Champaran
3. Ram Bihari Kumar son of Chain Mukhiya village- Chichurahiya, Ps -Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard Mr. Rajesh Kumar, learned counsel for the petitioners and Mr. Gauri Shankar Gupta, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Banjariya P.S. Case No. 406 of 2024 for the offence under sections 274, 275 of the B.N.S. and sections 30(a), 32, 411 of the Bihar Prohibition and Excise Act, lodged on 08.12.2024 by the informant, Sonalal Kumar.

3. As per the prosecution story, the informant alleged that during vehicle checking and upon secret informant, the police raided the place and recovered/seized 100 litres country made liquor. This led to the FIR.

4. Learned counsel for the petitioners submits that the Chaukidar named them, they have no role to play in the matter



and one of the petitioner (petitioner no.3) is actually student aged 21 years old.

5. Learned APP opposes the prayer submitting that so far as petitioner nos. 1 and 2, namely, Subhash Mukhiya and Nitish Sahani are concerned, they have number of criminal antecedent of same nature.

6. Considering the submissions of the parties as also the fact that the two petitioners no.1 and 2, namely, Subhash Mukhiya and Nitish Sahani respectively are having criminal antecedent of same nature, it would be appropriate that they seek bail. Their anticipatory bail application stands rejected.

7. So far as the petitioner no.3, namely, Ram Bihar Kumar is concerned, taking into account his age as also that he is a student having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner no.3 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 Excise Court No.1, East Champaran, Motihari, in connection with Banjariya P.S. Case



No.406 of 2024, 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 no.3 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.3 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 no.3 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no.3 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 no.3 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.

(Rajiv Roy, J)

anand/-

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