

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25258 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- BIBHUTIPUR District- Samastipur

ARJUN KUMAR S/o Bihari Singh@SHREE BIHEREE SINGH R/o Ward
No. ,4 Mahsi, Samastipur, P.S. - Bibhutipur, Dist-Samastipur, Bihar- 848160.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yash Sahay, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard Mr. Yash Sahay, learned counsel for the
petitioner and the State.

2. The petitioner apprehends his arrest in connection with Bibhutipur P.S. Case No. 31 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2022 lodged on 26.01.2025 by the informant, Ajay Kumar Singh.

3. As per the prosecution story, the informant alleged that on secret information, the police raided the place and from the hut, there is recovery/seizure of 26.1 litre foreign liquor. This led to the FIR as *Chowkidar* named this petitioner.

4. Learned Counsel for the petitioner submits that admittedly, the recovery is from a hut, an open place, nothing has been recovered from his conscious possession, only because of criminal antecedent, he has been implicated by the *Chowkidar*.



The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Samastipur for the purchase of Journals (SCC/BLJ/PLJR/Bare Acts) for the Civil Court, Samastipur 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.

6. Taking into account the submissions as also the fact that there is no recovery from his conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.10,000/- to the District Legal Services Authority, Samastipur for the purchase of Journals for the Civil Court, Samastipur through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the Trial Court by the DLSA, Samastipur.

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 Special Judge Excise-I, Samastipur in connection with Bibhutipur P.S. Case No. 31 of



2024 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.

(Rajiv Roy, J)

Vijay Singh/-

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