

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22063 of 2025

Arising Out of PS. Case No.-720 Year-2024 Thana- JAKKANPUR District- Patna

Arvind Ray @ Arvind Kumar @ Arvind Yadav Son of Surendra Yadav
Village- Indira Nagar, Road NO 07, PS- Jakkanpur Distt -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Khushi Awadh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-04-2025 Heard Ms. Khushi Awadh, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Jakkanpur P.S. Case No. 720 of 2024 instituted under Sections 317(5) of the BNS, 2023 and section 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 18.12.2024 by the informant, Ranjeet Kumar.

3. As per the prosecution story, the informant has alleged that on secret information, the cowshed of the accused was raided, one Arnav Raj was apprehended, he gave the name of his brother (the petitioner herein) as his associates.

4. From Arnav Raj, there is recovery/seizure of 6.750 liters of foreign liquor whereas from the cowshed, another recovery of 8.640 liters of foreign liquor (totalling 15.390 liters)



besides that a stolen motorcycle was also recovered from the place. This led to the FIR.

5. Learned counsel for the petitioner submits that he do not have criminal antecedent, nothing has been recovered from his conscious possession and out of fear, the brother gave his name which led to his implication.

6. Learned APP Mr. Jitendra Kumar Singh on the other hand opposes the prayer submitting that when the stolen motorcycle has been recovered, the petitioner automatically became accused in the case lodged by the original owner.

7. Learned counsel for the petitioner submits that to the knowledge of the petitioner, he do not have criminal antecedent.

8. Considering the aforesaid facts as also that the petitioner do not have criminal antecedent and nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail. However, the Court concerned shall verify regarding statement of APP, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

9. 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 Jakkanpur P.S. Case No. 720 of 2024 to the satisfaction of learned Special Judge, Excise-IIInd, Patna or his successor in office 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.

(Rajiv Roy, J)

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