

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22112 of 2025

Arising Out of PS. Case No.-533 Year-2020 Thana- KADAMKUAN District- Patna

Prakesh Chandra @ Prakash Chandra S/O Late Sita Ram Paswan R/O
Village- Veer, P.S- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner and the State.

2. The petitioner apprehends his arrest in connection with Kadam Kuan P.S. Case No. 533 of 2020 for the offence registered under section 30 (a) of the Bihar Prohibition and Excise Act lodged on 05.12.2020 by the informant Mukesh Kumar Singh.

3. As per the prosecution story, the Police intercepted a *Toto* and there is recovery/seizure of 50 liter country made liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that admittedly, it was being driven by Shashi Kant Kumar from whose possession, the recovery/seizure made. He is maternal nephew of the petitioner and the *Toto* belongs to him, which led the implication. The petitioner has no criminal antecedent and 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, Patna for the beautification of Civil Court Campus of Patna Judgeship 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 submitting that the *Toto* belongs to this petitioner.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from Shashi Kant Kumar who has since been granted bail, the petitioner is the owner of the *Toto*, nothing has been recovered from his conscious possession and do not have criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10000/- to the District Legal Services Authority, Patna for the beautification of Civil Court Campus of Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Patna.

7. However, if it is found that the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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-II, Patna in connection with Kadam Kuan P.S. Case No. 533 of 2020 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.

9. Let a copy of the order be sent to the Principal
District and Sessions Judge, Patna for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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