

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25482 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- BACHHWARA District- Begusarai

Sanjay Rai @ Sanjay Kumar S/o Satrudhan Rai R/o Chamtha Manti Ji Tol,
Ward No.1, P.S.- Bacchawara, District- Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithlesh Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Bachhawara P.S. Case No. 434 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 30.12.2024 by the informant, Bhola Kumar Sharma.

3. As per the prosecution story, the Police patrolling party upon information that this petitioner is doing business of selling/manufacturing of wine, raided the place near river. The allegation is that this petitioner managed to escape and there is recovery/seizure of 40 liters of 'Mahua'. This led to the FIR.

4. Learned counsel for the petitioner submits that he has clean antecedent, the implication has come due to village rivalry, nothing has been recovered from his conscious possession, rather near the river.



5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also the fact that the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

7. 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 Bachhawara P.S. Case No. 434 of 2024 to the satisfaction of learned Excise Judge-I, Begusarai, 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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