

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22108 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- BAUGHAT District- Sheikhpura

Gulshan Kumar S/o- Ramjatan Ram Village- Jitwarpur, P.S.- Baughat,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Kumari, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-04-2025 Heard Mr. Priya Kumari, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Baughat P.S. Case No. 35 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 02.09.2024 by the informant, Sonam Kumari.

3. As per the prosecution story, the informant alleged that upon secret information about the petitioner selling the country-made liquor, reached the place and near a tree, there is recovery of 4 liters country-made liquor. The petitioner who was present under the tree, managed to escape. This led to the FIR.

4. Learned counsel for the petitioner submits that firstly, he has no criminal antecedent, secondly, the recovery/seizure is from below the tree and only due to enmity



the *chowkidar* has named him.

5. Learned APP opposes the prayer submitting that on information, the Police raided the place and the petitioner though managed to escape, there is/was recovery.

6. Taking into account the submissions of the parties as also the aforesaid facts that the petitioner do not have criminal antecedent and recovery is from an open place, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. It is made clear that if the petitioner has criminal antecedent(s), the present order shall become infructuous.

8. Let the petitioner 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 Exclusive Special Excise Judge, Sheikhpura/concerned Court, in connection with Baughat P.S. Case No. 35 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 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;

(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.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Priya Kumari, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Adnan/-

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