

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26112 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

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Birendra Kumar @ Birender Kumar Son of Late Bhola Thakur village- Alam
nagar Bazar, Ps- Alam Nagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2025 Head Mr. Uday Chand Prasad, learned counsel for the

petitioner and Mrs. Asha Kumari, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Udakishunganj Excise P.S. Case No.76 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 26.04.2024 by the informant, Vishwajeet Singh.

3. As per the prosecution story, the informant alleged that, on secret information, the police raided the place, caught hold of Sanjay Jha and Nandani Devi and there is recovery/seizure of 40 liters country made chullai . The petitioner being owner of the motorcycle, which was driven by Sanjay Jha and Nandani Devi, his name has come in the FIR.



4. Learned counsel for the petitioner submits that the motorcycle was already sold to one Raj Kumar a month ago (Annexure-2), but he failed to get it transferred. He has no role to play in the alleged recovery/seizure, in any case it has been recovered from possession of Sanjay Jha and Nandani Devi. The petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that he being the owner of the vehicle cannot exonerate himself from the responsibility.

6. Taking into account the submissions of the parties as also the fact that admittedly, recovery/seizure is from Sanjay Jha and Nandani Devi, the petitioner though was the owner of the motorcycle and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Additional District & Sessions Judge-VII-cum-Special Judge, Excise-2, Madhepura, in connection with Udakishunganj Excise P.S. Case No.76 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.

(Rajiv Roy, J)

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