

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25935 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SURSAND District- Sitamarhi

Rakesh Mukhiya S/O Ashnarayan Mukhiya R/O Village- Balha Rasalpur, P.S-
Bajbatti, Dist.- Sitmarhi.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the State : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sursand P.S. Case No. 05 of 2025 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 05.01.2025 by the informant, Kush Kumar.

3. As per the prosecution story, the Police during patrolling intercepted a motorcycle and there is recovery/seizure of altogether 36 liters country made liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, though he owns one of the motorcycle which was handed over to his friend resulting into the present implication. Prior to this he had no criminal antecedent.

5. Learned APP opposes the prayer.



6. Considering the submission put forward by the parties as also that nothing has been recovered from his conscious possession, he owns one of the motorcycle and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. If however, it is found that he has criminal antecedent the 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 Court No.02, Sitamarhi, in connection with Sursand P.S. Case No. 05 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 bail bonds.

(Rajiv Roy, J)

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