

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25467 of 2025

Arising Out of PS. Case No.-533 Year-2024 Thana- CHHATAUNI District- East Champaran

Parmeshwar Kumar S/o Late Akaloo Sah @ Aklu Sah Resident of village-
Mathia Dih, P.S.- Chhatauni, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard Mrs. Rashmi Jha, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP representing

the State.

2. The petitioner is apprehending his arrest in
connection with Chhatauni P.S. Case No. 533 of 2024 for the
offence under Sections 30(a) of the Bihar Prohibition and Excise
Act, lodged on 15.12.2024 by the informant, Md. Arif Hussain.

3. As per the prosecution story, the informant alleged
that on secret information, the place was raided, 40 liters
country made liquor recovered from the garden situated in
Mathia Dih, the villagers identified this petitioner which led to
the F.I.R.

4. Learned counsel for the petitioner submits that the



recover is from an open place, he has criminal antecedent which has been brought on record by way of supplementary affidavit, if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail contrary to the observation of the learned Sessions Judge, the petition shows that he has no criminal antecedent.

6. This Court fails to understand, when the learned Sessions Judge order shows that the petitioner has one criminal antecedent why it has been in paragraph 3 that the petitioner has no criminal antecedent and thereafter a supplementary affidavit is to be file showing that he has criminal antecedent. Such kind of preparation of petition must be deprecated.

7. However, since the petitioner has no criminal antecedent and the recovery/seizure is from an open place, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. The Trial Court to check whether the petitioner has one criminal antecedent or more than one and in case contrary to the petition, if he has more than one criminal antecedent, the order shall become infructuous.

9. 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 Special Judge Excise Court No.-1, Moithari, East Champaran, in connection with Chhatauni P.S. Case No. 533 of 2024 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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