

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26005 of 2025

Arising Out of PS. Case No.-245 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Sushil Yadav @ Chiku Kumar @ Cheemi Kumar S/O Munna Ray R/O-
Kalyanpur Basti, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2025 Heard Mr. Shashank Shekhar, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending arrest in connection
with Mohiuddin Nagar P.S. Case No. 245 of 2024 instituted
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2022 lodged on 27.10.2024 by the informant, Prabhu Nath Ram.

3. As per the prosecution story, the informant alleged
that on secret information regarding selling of the liquor by the
accused persons, proceeded towards the place and upon raid and
from the tea orchard of the Parmanand Ray, there is
recovery/seizure of 145.800 liters of foreign liquor. The locals
gave the name of the persons who escaped, the petitioner
included. This led to the FIR.



4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been named in the FIR, the orchard does not belong to him, he is ready to face the trial and last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Samastipur for the beautification of the judgeship through the Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from the orchard which does not belong to the petitioner, he has undertaken to diligently appear in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Samastipur for the beautification of the judgeship through the Demand Draft issued by the local branch of the State Bank of India.

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 Mohiuddin Nagar P.S. Case No. 245 of 2024 to the satisfaction of learned Special Judge, Excise-2, Samastipur 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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