

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25557 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- TARARI District- Bhojpur

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1. Umakant Paswan @ Rohit Paswan S/O Bhim Paswan R/O Village-Kapurdi-hara, P.S- Tarari, Distt.- Bhojpur.
 2. Gollu Kumar @ Mohit Kumar S/O Shambhoo Singh R/O Village-Kapurdi-hara, P.S- Tarari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Renuka Ratnakar (App 125)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Tarari P.S. Case No. 43 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 28.02.2025 by the informant, Abhishek Anand.

3. As per the prosecution story, the informant upon information, intercepted a motorcycle. Though two of them managed to escape, one of them was apprehended who gave the name of the accused persons, the petitioners herein. There is recovery/seizure of 40 litre country made *mahua* which led to



the FIR.

4. Learned Counsel for the petitioner submits that both the petitioners do not have criminal antecedent, the motorcycle does not belong to them, the apprehended person has named, which led to their implication.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the submissions of the parties as also that the motorcycle does not belong to them nor they have criminal antecedent, this Court is inclined to grant them the anticipatory bail with conditions. However, if it is found that any of the two petitioners are having criminal antecedent, the order with regard to the said petitioner shall become infructuous.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Excise Court No. II, Bhojpur at Ara in connection with Tarari P.S. Case No. 43 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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