

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25456 of 2025

Arising Out of PS. Case No.-778 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Om Prakash Kumar S/o Gopal Giri Resident of village- Sammaspur
Jafarabad, P.S.- Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Kumar, Advocate
	:	Ms. Kumari Anupam, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise Bhabhua P.S. Case No. 778 of 2024 for the offence under Sections 30(a) and 32(iii) of the Bihar Prohibition and Excise Act, lodged on 08.10.2024 by the informant, Bhola Prasad Chaurasiya.

3. As per the prosecution story, the informant alleged that the Police intercepted a Tata Safari and recovered/seized 81 liters Royal Stag Whisky. This led to the F.I.R.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the vehicle earlier belong to him, later sold to one Bittu Kumar on 29.09.2024, has no criminal antecedent, last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.20,000/- by Demand Draft issued by



the local branch of the State Bank of India to the District Legal Services Authority, Kaimur (Bhabhua) for the purchase of journals (SCC, BLJ, PLJR/Bare Acts etc.).

5. Learned APP opposes the prayer for bail submitting that on the date the recovery/seizure was made the petitioner was the owner.

6. Considering the submissions put forward by the parties as also that the petitioner has no criminal antecedent, he has sold the car, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.20,000/- by Demand Draft issued by the local branch of State Bank of India to the District Legal Services Authority, Kaimur (Bhabhua) for the purchase of journals (SCC, BLJ, PLJR, etc.) and the receipt has to be submitted before the Trial Court.

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 Special Judge Excise-1, Kaimur at Bhabhua, in connection with Excise Bhabhua P.S. Case No. 778 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.

8. Let a copy of the order be sent to the Principal District & Sessions Judge, Kaimur at Bhabhua for perusal and needful.

(Rajiv Roy, J)

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