

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27238 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- Excise P.S. District- Samastipur

Satish Kumar S/O Hari Ray R/O Kalyanpur Pachiyari Tol, Ward No. 07,
Police station- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-05-2025 Heard Mr. Sarvesh Kashyap, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise (Sadar) P.S. Case No. 275 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 27.10.2024 by the informant Nitish Kumar.

3. As per the prosecution story, the Police intercepted a motorcycle, one Nitish Kumar was taken into custody as he was carrying 4.5 litre foreign liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that he is own brother of Nitish Kumar, motorcycle is registered in his name, he do not have criminal antecedent and only because the brother was driving the motorcycle and he is the owner, got



implicated.

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

6. Considering the submissions of the parties as also that this petitioner has no criminal antecedent and is a young person, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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 Judge Excise-2nd, Samastipur in connection with Excise (Sadar) P.S. Case No. 275 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 petitioner, who shall provide official document to show his *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 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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