

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30876 of 2025

Arising Out of PS. Case No.-105 Year-2023 Thana- MALI District- Aurangabad

Shambhu Bhuiyan Son of Surya Dev Bhuiyan Resident of Village - Phuldiha
Bhuiya Bigha, P.S.- Mali, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mali Excise P.S. Case No. 105 of 2023 for the offence under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, lodged on 23.11.2023 by the informant, Subodh Kumar Mandal.

3. As per the prosecution story, the Police upon information, raided the place and there is recovery/seizure of 10 liters country made liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from a house which is a joint property, he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.



6. Taking into account the submissions as also that the recovery/seizure is from a joint property and the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

8. 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-II, Aurangabad, in connection with Mali Excise P.S. Case No. 105 of 2023 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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