

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26058 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- Kotwali District- Darbhanga

Rajesh Prasad @ Rajesh Sah @ Nanki Sah @ Nanki S/O Late Radhe Sah
Resident of Village- Brahmsthan, Donar Chowk, P.S- Kotwali, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyadarshani Kumari, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2025 Heard Ms. Priyadarshani Kumari, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Kotwa P.S. Case No. 25 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.03.2025 by the informant, Om Prakash Kumar.

3. As per the prosecution story, the informant upon secret information reached the room of the petitioner which was locked. The house owner was called and in his presence, the lock was broken and there is recovery/seizure of 3.750 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that actually the house belongs to Ajay Kumar Choudhary, the



petitioner never resided in the said house and only to implicate him named to save his skin. The last submission is that in case, he is found indulged in any such activity, the present bail bond be cancelled, if granted relief.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submissions as also the fact that the house belongs to Ajay Kumar Choudhary, the petitioner has undertaken to diligently appearing in trial and not to indulge in such activity, this Court is inclined to extend him the privilege of anticipatory bail.

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 Kotwali P.S. Case No. 25 of 2025 to the satisfaction of learned Special Judge-I, Excise Act), Darbhanga 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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