

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25499 of 2025

Arising Out of PS. Case No.-395 Year-2024 Thana- KOILWAR District- Bhojpur

Shekhu Kumar S/O Ishwarnath @ Ishwar Nath Sharma Village- Pitwansh,
P.S.-Naubatpur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushkar Narayan Shahi, Sr. Advocate
Mr. Madhukar Anand, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-06-2025 Heard Mr. Pushkar Narayan Shahi, learned Senior
counsel for the petitioner duly assisted by Mr. Madhukar Anand
and the State.

2. The petitioner is in judicial custody in connection
with Koilwar P.S. Case No. 395 of 2024 for the offence
punishable under sections 205, 318(4), 338, 336(2), 340(2), 3(5)
of the Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution story, the police got
information that a KIA Vehicle is moving with police light and
logo on it, was intercepted near Kulharia Toll Plaza, when those
present in police uniform tried to scold the police as to how it
has been stopped, the police found 2-3 bags kept in the back-
seat and upon search, there is recovery/seizure of 180.3 litres of



foreign liquor, this led to the FIR/arrest.

4. Learned Senior counsel for the petitioner submits that he has already been punished by remaining in custody since 01.10.2024, has no criminal antecedent, if granted relief, he shall be diligently appearing in trial. Further, the petitioner intends to visit the Koilwar Police Station every day for two hours to clean the campus and at the end of the week shall be planting a sapling if the Station Head Officer allows him to do so.

5. Learned APP opposes the prayer submitting that in police uniform and police light, not only they were moving, on interception also scolded the original police.

6. Though allegation is there and it is unfortunate that the young persons instead of doing positive things indulge in such activities causing inconvenience to the locals/police/administration, the fact is that he has remained in custody for six months, has no criminal antecedent, an undertaking has been given that he shall be visiting the police station for two hours everyday for a week to clean the campus and at the end of the day, he shall be planting a sapling, in that background, this court is inclined to extend him the privilege of bail with conditions.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, bhojpur, Ara in connection with Koilwar P.S. Case No. 395 of 2024, subject to 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial 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 his bail bonds.

8. Let the matter come up under the heading ‘To be Mentioned’ when Mr. Jitendra Kumar Singh, learned APP shall be providing a report of the SHO, Koilwar along with his statement/photograph of the petitioner visiting the police station, cleaning the campus and planting a sapling in it.

9. List this case on 01.08.2025 under the heading ‘To be Mentioned’.

10. Let the name of Mr. Jitendra Kumar Singh, learned APP appear in the cause list.

(Rajiv Roy, J)

Raj Ranjan/-

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