

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25939 of 2025

Arising Out of PS. Case No.-479 Year-2022 Thana- KATEYA District- Gopalganj

Khush Mohammad @ Khush Mohammad Shah Son of Lal Mohammad Shah
R/o village - Chaumukha, P.S.- Panchrukhi, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Shekhar, Advocate
For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Kateya PS. Case No.479 of 2022, dated.22.10.2022, registered for the offences punishable under Sections 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, 302 liters of illicit liquor has been recovered from two tempo and as per further allegation, the petitioner is alleged to have been found fleeing away from one of the tempos wherefrom the illicit liquor has been recovered.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the petitioner nor was he present on the place of occurrence. He also submits that the name of the petitioner has transpired in the confessional statement of the co-accused and he has nothing to do with the alleged recovery of the liquor.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kateya PS. Case No.479 of 2022, subject to the conditions



as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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