

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25545 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- KOTWA District- East Champaran

Binod Rai S/O Raghu rai R/O Village- Dipau Dhangar Toli, P.S- Kotwa,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 195 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 14.07.2024 by the informant, Ankit Kumar.

3. As per the prosecution story, the Police upon secret information, raided the huts of Raju Mahto and Vinod Rai/Basu Rai and there is recovery/seizure of 10 litres/15 litres of country made liquors respectively from the places. This led to the FIR.

4. Learned Counsel for the petitioner submits that admittedly, the recovery/seizure is from the huts and not from the conscious possession which is open to everyone, only because of criminal antecedent, the *Chowkidar* has named him.



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

6. Taking into account the aforesaid facts as also that nothing has been recovered from his conscious possession, 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 Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Kotwa P.S. Case No. 195 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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