

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25912 of 2025

Arising Out of PS. Case No.-197 Year-2023 Thana- SONBERSA District- Sitamarhi

Rakesh Kumar Puri S/O Dip Narayan Puri Resident of Village- Balra Kishun,
PS- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Mr.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sonbersa P.S. Case No. 197 of 2023 instituted under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 17.06.2023 by the informant, Kumar Prabhakar.

3. As per the prosecution story, the informant alleged that on secret information, vehicle checking took place and there is recovery/seizure of 150 liters of Nepali saufi wine (wrongly typed as 1500 liters) in the petition. The apprehended persons were Ratan Kumar and Santosh Kumar and they gave the name of person who escaped as Manish Kumar. This led to the F.I.R.

4. Learned counsel for the petitioner submits that neither he was on the spot nor anything recovered from his



conscious possession. As he owns the vehicle which led to his implication and the last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that he being the owner cannot escape from the responsibility.

6. Considering the submissions of the parties as also that recovery/seizure is from the persons present on the spot, he is owner, having no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

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 Sonbersa P.S. Case No. 197 of 2023 to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi 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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