

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26837 of 2025

Arising Out of PS. Case No.-62 Year-2024 Thana- NAURANGIA District- West Champaran

Shafiullah S/o Shekh Mokin R/o Village- Sirisiya Belwa, P.S.- Sathi Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar, Adv.
		Mr. Prerna Anand, Adv.
For the Opposite Party/s	:	Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-05-2025 Heard Mr. Randhir Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Naurangiya P.S. Case No. 62 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 16.09.2024 by the informant, Nitu Kumari.

3. As per the prosecution story, the Police intercepted two motorcycles . Though one motorcycle owner escaped, the other was apprehended, Triloki Kumar and Guddu Kumar were riding it and there is recovery/seizure of altogether 67.08 litre foreign liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that he owns the second motorcycle, it was handed over to Chhotak



Yadav little realizing that he is carrying liquor in it. He actually resides in Delhi and has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he owns the motorcycle and cannot exonerate himself from the responsibility.

6. Considering the submissions of the parties as also the fact that recovery/seizure is from Triloki Kumar and Guddu Kumar, the petitioner only owns the motorcycle having no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

8. 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, Bagaha, West Champaran in connection with Naurangiya P.S. Case No. 62 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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