

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30354 of 2025

Arising Out of PS. Case No.-25 Year-2023 Thana- EXCISE MAHAMMADPUR District-
Gopalganj

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Sunil Kumar Singh S/O Kusheshwar Singh Resident of Village- Mukundpur,
P.S- Mukundpur, Distt.- Kushinagar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Swarnima, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise Mahammadpur P.S. Case No. 25 of 2023 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 02.10.2023 by the informant Ravindra Kumar Singh.

3. As per the prosecution story, the informant alleged that the police intercepted a Mahindra pickup van and two persons Abhay Kumar and Rohit Yadav apprehended. There is recovery/seizure of 172.8 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, the vehicle was previously sold to one Algu Yadav and since the registration was not transferred, his



name has come up.

5. Learned APP for the State, Mr. Bharat Bhushan, on the other hand, opposes the prayer for anticipatory bail and submits that he being the owner cannot escape from responsibility.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from the two named persons, this petitioner has no criminal antecedent, 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) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV-cum-Exclusive Special Judge, Excise Court No.-II, Gopalganj in connection with Excise Mahammadpur P.S. Case No. 25 of 2023 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 is *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.

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

9. Before parting, this Court is like to put on record its word of appreciation for Ms. Swarnima for her proper assistance rendered in the matter.

(Rajiv Roy, J)

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