

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30169 of 2025

Arising Out of PS. Case No.-537 Year-2022 Thana- KATIHAR NAGAR District- Katihar

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Biru Kumar @ Birendra Kumar Mishra Son of Panchanand Mishra Present
Address- Laliyahi P.S. -Sahayak District- Katihar Permanent Address of
Village- Lokmanpur P.S. -Kharik District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Mr. Dinesh Singh, learned APP for the State submits

that he want to contribute Rs.200/- to Patna High Court Legal

Services Committee and receipt shall be filed in the office by

Wednesday, a copy of which shall be provided to the Court

Master.

2. This matter has been heard through video
conferencing.

3. Heard Mr. Arun Kumar Mandal, learned counsel
for the petitioner and Mr. Dinesh Singh, learned APP for the
State.

4. The petitioner is apprehending his arrest in
connection with Nagar/Sahayak P.S. Case No. 537 of 2022 for



the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2018, lodged on 03.09.2022 by the informant, Ravindra Kumar.

5. As per the prosecution story, the informant alleged that on secret information, a motorcycle was intercepted, but the motorcycle rider tried to flee. One person was apprehended and has confessed the role of the petitioner. There is recovery/seizure of 7.2 litre foreign liquor, thereafter, the house was also raided and further recovery took place and in totality, 35.25 litres of foreign liquor was recovered/seized. This led to the FIR.

6. Learned counsel for the petitioner submits that it is the case of the petitioner that he has no role to play, the actual recovery is from Raju Kumar, in confession, his name has come and has no criminal antecedent.

7. Learned APP opposes the prayer submitting that the apprehended person has named him.

8. Taking into account the submissions of the parties as also that recovery/seizure is from Raju Kumar, this petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.



9. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Katihar, District-Katihar, in connection with Nagar/Sahayak P.S. Case No.537 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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;

(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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