

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30121 of 2025

Arising Out of PS. Case No.-62 Year-2023 Thana- CHHABILAPUR District- Nalanda

Rajeev Kumar Son of Kapildeo Prasad R/o Village - Shekhpura, P.S.-
Neemchak Bathani, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Chhabilapur P.S. Case No. 62 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 06.5.2023 by the informant, Mustakh Ansari.

3. As per the prosecution story, upon secret information, the Police intercepted a motorcycle and there is recovery/seizure of twenty five liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he does not own the motorcycle nor was present at the spot but on the confessional statement of Kapil Yadav, named and he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that his



name has come in the confessional statement.

6. Taking into account the submissions of the parties as also that he does not own the motorcycle nor anything recovered from his conscious possession and he do not have any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, contrary to the statement, it is found that the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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 District & Additional Sessions Judge-V-cum-Special Judge Excise-I, Biharsharif (Nalanda) in connection with Chhabilapur P.S. Case No. 62 of 2023 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)

Adnan/-

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