

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30140 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- AZIMABAD District- Bhojpur

Tulsi Ram S/o Late Bhulan Mushar R/o Village- Kirkiri Mushar Toli, P.S.-
Azimabad, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Azimabad P.S. Case No. 16 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 lodged on 23.02.2025 by the informant, Sajan Kumar Sahani.

3. As per the prosecution story, the informant upon secret information about this petitioner selling country made liquor, reached the place. Though the accused managed to escape, the local '*Choukidar*' gave his name and from the *Luna* motorcycle, 12.6 litre country made liquor recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that the



vehicle was parked, he had gone to a nearby place, little realizing that the same has been picked up by the Police and this recovery theory implicated. He do not have criminal antecedent.

5. Learned APP for the State, Mr. Bharat Bhushan on the other hand, opposes the prayer for anticipatory bail submitting that the recovery/seizure is from his own vehicle.

6. Considering the submissions of the parties as also the fact that this petitioner has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions. However, if it is found that the petitioner has criminal antecedent, the present order shall become infructuous.

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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Azimabad P.S. Case No. 16 of 2025 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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