

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30888 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- JAYNAGAR District- Madhubani

KRISHNA KUMAR @ KRISHNA KUMAR YADAV S/o Ram Pratap Yadav
R/o vill - Kamlabari Goth tol, P.s.- Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-05-2025 Heard Manoj Kumar Pandey, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Jaynagar P.S. Case No. 63 of 2025 instituted under Sections 274, 275, 317(5), 3(5) of the BNS and section 30(a) of the Bihar Prohibition and Excise Act lodged on 05.03.2025 by the informant, Monika Kumari.

3. As per the prosecution story, the informant alleged that the Police intercepted motorcycles and there is recovery/seizure of 135 liters of Nepali Saufi liquor each from the two motorcycles and Sumit Kumar and Hiranandan Kumar were arrested and they gave name of those who escaped, the petitioner included. Further, from two other abandoned motorcycles, there is recovery/seizure of 180 liters of Nepali



Saufi liquor each thus totalling 630 liters. This led to the FIR.

4. Learned counsel for the petitioner submits that none of the the motorcycle belongs to him, he has no criminal antecedent, this is not hit by section 76(2) of the Bihar Prohibition and Excise Act, he is ready to diligently appearing in trial.

5. Learned APP opposes the prayer submitting that those who were arrested named him.

6. Considering the submissions of the parties as also that the petitioner has no criminal antecedent nor the motorcyces belong to him, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Jaynagar P.S. Case No. 63 of 2025 to the satisfaction of learned District and Additional Sessions Judge-II cum Special Judge, Excise, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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