

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33922 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- JOKIHAT District- Araria

Sudhanshu Kumar @ Pintu Mahto Son of Maheshawar Mahto Resident of
Village -Malpur Agrail @ Mura, PS- Sakra, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2025 Heard Mr. Anish Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Jokihat P.S. Case No. 48 of 2025 for the offence under sections 319(2), 311(3) of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 11.02.2025 by the informant, Vinay Kumar Sahini.

3. As per the prosecution story, the informant alleged that on secret information and during vehicle checking, one DCM truck was intercepted, there is recovery/seizure of 2275.200 litres of foreign liquor. Sanjeev Kumar and Shivanshu Kumar, who were present in the vehicle were arrested and they gave the name of those who also are indulged in the present



crime and the liquor belong to them, petitioner included. This led to the FIR.

4. Learned counsel for the petitioner submits that neither the truck belongs to him nor he has any role to play in the matter, the petitioner has been falsely implicated stating that it was to be delivered to him. He is a student and section 76(2) of the Excise Act is not applicable considering the role that has been assigned. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs.50,000/- to the District Legal Services Authority, Araria for installation of sanitary vending machines/beautification/putting up flower pots in the Civil Court Campus of Araria Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that those who were apprehended named him as a person to whom the liquor was to be delivered.

6. Taking into account the submissions of the parties as also that the petitioner does not own the vehicle, has no criminal antecedent, the persons carrying the liquor were arrested, named above, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions,



subject to payment of Rs.50,000/- to the District Legal Services Authority, Araria for installation of sanitary vending machines/ beautification/putting up flower pots in the Civil Court Campus of Araria Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Araria.

7. 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 and Addl. Sessions Judge-cum-Exclusive Special Excise Judge-II, Araria, in connection with Jokihat P.S. Case No.48 of 2025 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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Araia for his/her perusal and needful.

9. If, however, it is found that the petitioner has criminal antecedent, the order shall become infructuous.

(Rajiv Roy, J)

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