

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30919 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- PURNAHYA District- Sheohar

Rahul Kumar Son of Harendra Paswan Resident of Village - Patahi, P.S. -
Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the State : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Purnahiya P.S. Case No. 128 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 22.12.2024 by the informant, Pawan Kumar Paswan.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information, when the vehicle were intercepted, a Magic Pick-Up Van met with an accident, the driver escaped and there is/are recovery of 621 liters Nepali liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that the Pick-Up Van was owned by him, let out to the driver little knowing that it is being used for carrying banned liquor, he has no criminal antecedent. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay



Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Sheohar for the beautification/putting of flower pots in the Civil Court Campus, Sheohar.

5. Learned APP opposes the prayer for bail submitting that the petitioner owns the Pick-Up Van.

6. Considering the submissions of the parties as also that the petitioner do not have criminal antecedent, is the owner, nothing recovered/seized from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.15,000/- by Demand Draft issued by the local branch of State Bank of India to the District Legal Services Authority, Sheohar for the beautification/putting of flower pots in the Civil Court Campus, Sheohar and the receipt has to be submitted before the Trial Court.

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 Exclusive Special Judge, Excise, Sheohar, in connection with Purnahiya P.S. Case No. 128 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 bail bonds.

8. Let a copy of the order be sent to the Principal District & Sessions Judge, Sheohar for perusal and needful.

(Rajiv Roy, J)

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