

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33809 of 2025

Arising Out of PS. Case No.-193 Year-2023 Thana- KANHAULI District- Sitamarhi

Jay Kishore Kumar S/O Hari Narayan Mahto Village- Bhaluaha, P.S.- Bhuthi,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kanhauli P.S. Case No. 193 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.12.2023 by the informant Gauri Shankar Baitha.

3. As per the prosecution story, the informant alleged that during the checking of the vehicles, 2 scooty were intercepted and recovery/seizure is (i) from first scooty, 21 liter of Nepali liquor and 6.750 liter of english liquor attributed to the petitioner (ii) 21 liter of Nepali Soufi liquor and 7.500 liter of english liquor from another Shivam Kumar. This led to the FIR.

4. Learned Counsel for the petitioner submits that



petitioner was not at the spot nor anything recovered from his conscious possession, one of the scooty belongs to him which was handed over to his neighbour, Shivam Kumar who wanted it for the medical emergency which lead to his implication. The last submission is that the petitioner has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that one of the scooty belongs to this petitioner.

6. Considering the aforesaid facts and circumstances of the case and submissions of the parties and also the fact that recovery/seizure of the liquor is/are from two Shivam Kumars, petitioner has no criminal antecedent, though one of the scooty belongs to him, FIR is there, he shall face the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court No.1, Sitamarhi in connection with Kanhauli P.S. Case No. 193 of 2023 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 their 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 bond;

(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 bond.

(Rajiv Roy, J)

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