

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31681 of 2025

Arising Out of PS. Case No.-235 Year-2025 Thana- Excise P.S. District- Siwan

1. Rabbudin @ Rabudin Son of Allauddin Miyan Resident of Village - Barhan Gopal, P.S.- Siwan Muffasil, Distt.- Siwan
2. Imteyaz Miyan Son of Rafi Ahmad Resident of Village - Bindusar Hamid, P.S.- Siwan Muffasil, Distt.- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kumari Anupam, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 15-05-2025 The present Criminal Miscellaneous Case has been filed under Section 483 & 484 of the Bharatiya Nyaya Sanhita, 2023 by the petitioners who are in custody since 03.04.2025 seeking Regular Bail.

2. However, office has inadvertently put this case under category Anticipatory Bail. Hence, office is directed to rectify it.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioners seek bail in connection with Siwan Excise P.S. Case No.235 of 2025, registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2016.

5. As per allegation, 305 litres of illicit liquor has been recovered from an auto-rickshaw.



6. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners were just passengers and they were not aware of the contraband kept in the auto-rickshaw and they have nothing to do with the alleged offence.

7. He further submits that the petitioners have been languishing in jail since 03.04.2025.

8. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

9. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

10. However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

11. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Concerned Court Below, in connection with Siwan Excise P.S. Case No.235 of 2025 on the following conditions:

(i) The petitioners will make themselves available for



interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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