

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34655 of 2025**

Arising Out of PS. Case No.-130 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Amit Kumar Sinha S/o- Sri Mahendra Prasad Sinha @ Shri Mahendra Sinha
Moh- Khangar Gail Patna City Po- Jhauganj Ps- Khajekalan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2025 Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Mr. Ataur Rahman, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chowk P.S. Case No. 130 of 2020 for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2022, lodged on 21.03.2020 by the informant, Shekhar Mishra.

3. As per the prosecution story, the informant alleged that on secret information, a Tempo was searched and there is recovery/seizure of 360 litres of country made liquor, since the petitioner owns the Tempo, the FIR.

4. Learned counsel for the petitioner submits that in the year 2016 itself it was sold to Pramod Kumar. He has no



criminal antecedent and has no knowledge about the present case, which delayed coming to the Court. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he intends to contribute Rs.15,000/- to the Sub Divisional Court, Patna City [exclusively for the purchase of journals (PLJR/SCC/BLJ/Bare Acts)].

5. Learned APP opposes the prayer submitting that he owns the Tempo.

6. Taking into account the submissions of the parties as also that petitioner has no criminal antecedent, it has been stated that he has sold the Tempo earlier, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions, subject to payment of Rs.15,000/- to the Sub Divisional Court, Patna City for the purchase of journals as above by way of Bank Draft and the receipts have 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 Special Judge Excise, Patna City, in connection with Chowk P.S. Case No.130 of 2020 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 communicated to the learned Principal District Judge, Patna, for his perusal.

(Rajiv Roy, J)

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