

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34677 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- KALUAHI District- Madhubani

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Ram Bali Kumar S/o Mohan Ray R/o - Basuara, Ward No.08, P.S - Town,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend his arrest in connection with Kaluahi P.S. Case no. 60 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 30.03.2024 by the informant Nawal Kishore Yadav.

3. As per the prosecution story, the informant alleged that on the interception of E-rickshaw, total 20 liter country made liquor recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that only because the petitioner is owner of the E-rickshaw got implicated actually, it was driven by his driver little realising that he is misusing it. Though, the petitioner has no criminal antecedent but the learned Sessions Judge in his order recorded



that he has criminal antecedent which is wrong.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner owns the E-rickshaw.

6. Considering the submissions of the parties and also the fact that though he is the owner, was not present at the spot, recovery/seizure is not made from his conscious possession, he has no criminal antecedent, 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) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 60 of 2024 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 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 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 the bail bond.

8. However, the learned trial court below shall satisfy whether the petitioner has criminal antecedent or not and if it is found that contrary to the statement made in para-3, he do have criminal antecedent, the order shall become infructuous.

(Rajiv Roy, J)

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