

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34637 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- KARTAHA District- Vaishali

Mithilesh Kumar S/O Surendra Rai R/O Village- Bedauli, P.S.- Lalganj,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kartahan P.S. Case No. 50 of 2025 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 12.04.2025 by the informant, Avinash Kumar.

3. As per the prosecution story, the informant alleged that while vehicle checking, a four wheeler was intercepted and Nirbhay Kumar and Sonal Kumar who were sitting in the car and there is recovery/seizure of 23.5 liters Indian made foreign liquor. They gave the name of the petitioner where the liquor was to be supplied. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, his name has cropped up,



neither the vehicle belongs to him nor anything recovered from his conscious possession.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Considering the submissions of the parties as also the fact that recovery/seizure is from Nirbhay Kumar and Sonal Kumar and the vehicle does not belongs to the petitioner, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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 Court-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Kartahan P.S. Case No. 50 of 2025 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.

(Rajiv Roy, J)

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