

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33690 of 2025

Arising out of PS. Case No.-32 Year-2025 Thana- DHAUDAD District- Rohtas

Chhotu Kumar Akela Baitha @ Shiv Shambhu Ram R/o Village- Dhaudarh
(Dhawdhd/Dhaudanr/Dhowdarh), P.S.- Dhaudarh, District- Rohtas.
.....Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s: Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Dhau-
darh P.S. Case No. 32 of 2025 instituted for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act. He has
no criminal antecedent.

3. As per the FIR, the informant along with the police
party saw that a person with a sack tied on a motorcycle was
coming and the said motorcycle was intercepted and one person,
who was apprehended, disclosed his name as Chhotu Kumar
(Petitioner) and on search total of 78 litres of country-made
chulhai liquor was recovered.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and no such
seizure as alleged was recovered from his conscious possession,



even the motorcycle does not belong to the petitioner. It is also submitted that the petitioner has no criminal antecedent and is in custody since 21.04.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that 78 litres of country-made chulhai liquor was recovered from the motorcycle on which the petitioner was riding.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioner has clean antecedent and is in custody since 21.04.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Rohtas at Sasaram in connection with Dhaudarh P.S. Case No. 32 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial



Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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