

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34005 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Excise Mashrakh District- Saran

Arbind Kumar Son of Shivcharan Sharma Resident of Village - Alahadpur,
P.S.- Harbuaganj, District - Aligarh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mashrakh Excise P.S. Case No. 32 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 101.70 litres of illicit foreign liquor was recovered from the Toyota Etios car.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner and he has no concern with the said seized liquor. It is next submitted that the petitioner is not the owner of the said



seized vehicle rather the same belongs to one Meenal Verma. It is lastly submitted that the petitioner has one criminal antecedent and is in custody since 05.03.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail and has submitted that the said liquor was recovered from the car which was being driven by the petitioner.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no incriminating article has been recovered from the conscious physical possession of the petitioner and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra, in connection with Mashrakh Excise P.S. Case No. 32 of 2025, subject to the following conditions:-

(i) One of the bailors will be 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 the petitioner is found involved in similar nature of offence in future, the prosecution



will be at liberty to move for cancellation of his bail bond.

(v) The learned 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 or in the name of verification.

7. The application stands allowed.

(Sourendra Pandey, J)

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