

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33813 of 2025

Arising Out of PS. Case No.-286 Year-2025 Thana- VAISHALI District- Vaishali

1. Jitendra Kumar S/o Raj Kumar Rai R/o Trimurti Chowk, P.S.- Hajipur Town, Dist- Vaishali
2. Pawan Kumar S/o Manilal Rai @ Mantu Rai R/o Trimurti Chowk, P.S.- Hajipur Town, Dist- Vaishali
3. Anil Kumar @ Amit Kumar @ Tony Rai S/o Suraj Rai R/o SDO Road, P.S.- Hajipur Town, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ginni Priya, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Hajipur Town P.S. Case No. 286 of 2025 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 14.03.2025 by the informant Sunil Kumar.

3. As per the prosecution story, the police on secret information reached near the Ghumti. Those present tried to escape, one of them was apprehended. Who was Ramesh Kumar. There is recovery/seizure of 3.060 liters of foreign liquor. He gives the names of the persons who escaped, the



petitioners included. Subsequently, the house of Gopal Pandey was raided and there is recovery/seizure of 91.245 liter of foreign liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that while one recovery is from the house of the Gopal Pandey, the second recovery is from Ramesh Kumar, the petitioners have no role in the matter and only because of the confessional statement before the police, the names of the petitioners cropped up. None of them have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the person apprehended named the petitioners.

6. Considering the aforesaid facts and also that recovery of 91 and odd liter of foreign liquor is from the house of Gopal Pandey, other recovery is from Ramesh Kumar, these petitioners are having no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. However, if it found that any of the petitioners is having criminal antecedent, the order with regard to him shall become infructuous.

8. Let the petitioners 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1-Cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 286 of 2025 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 petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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