

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34596 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- RAJPUR District- Buxar

Dhananjay Kumar S/O Rajnarayan @ Rajnarayan Yadav R/O Village-Sendura, P.S- Dildarnagar, Distt.- Ghazipur, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2025 Heard Mr. Kamal Deo Sharma, learned counsel for the petitioner and Mr. Gauri Shankar Gupta, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rajpur P.S. Case No. 147 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 10.05.2024 by the informant, Roshan Ali.

3. As per the prosecution story, the informant alleged that during vehicle checking and interception, a motorcycle was apprehended and there is recovery/seizure of 87 litres of country made liquor. Vikash Kumar Sharma and Mukesh Kumar were apprehended. This led to the FIR.

4. Learned counsel for the petitioner submits that



he got implicated only because the motorcycle belongs to him, it was taken away by the aforesaid two accused persons, the petitioner has no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submissions of the parties as also that the persons carrying the liquor were apprehended on the spot, nothing recovered from his conscious possession, he has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Special Judge, (Excise Court No.1), Buxar, in connection with Rajpur P.S. Case No.147 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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 his bail bonds.

(Rajiv Roy, J)

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