

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37176 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- NAANPUR District- Sitamarhi

RAJ KUMAR Son of Viran Rai Resident of Village - Koili, Ward No.- 13,
Police Station - Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Nanpur P.S. Case No. 70 of 2025 for the offence under Section 30(a) of Bihar Prohibition and Excise Act lodged on 11.02.2025 by the informant, Ashok Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and he alleged that from the bus, there is recovery/seizure of 684 litres of foreign liquor, while from the pick-up van another recovery of 665.280 litres of foreign liquor. Nine litres was recovered from the motorcycle, totalling to 1358.280 litres. This led to the FIR.

4. Learned counsel for the petitioner submits that he does not know either the bus or pickup van/motorcycle though



his mobile phone was misplaced which was found near the place and led to the FIR. He has no criminal antecedent, he is a businessman, if granted relief, shall be diligently appearing in trial, his last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs. 50,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Sitamarhi for beautification/installation of sanitary vending machine if the same is unavailable in the Civil Court Campus, Sitamarhi beside purchase of bare act.

5. Learned APP opposes the prayer submitting that there was a recovery of mobile phone which belong to the petitioner.

6. Considering the submissions put forward by the parties as also the fact that recovery/seizure is from the vehicles none of which belongs to the petitioner, as undertaken he shall be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 50,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Sitamarhi for beautification/installation of sanitary vending machine if the same is unavailable in the Civil



Court Campus, Sitamarhi beside purchase of bare act and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Sitamarhi.

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, Exclusive Excise Court No.2, Sitamarhi, in connection with Nanpur P.S. Case No. 70 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.

8. Let a copy of the order be sent to the Principal
District & Sessions Judge, Sitamarhi for perusal and needful.

(Rajiv Roy, J)

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