

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37194 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- ATHMALGOLA District- Patna

Indal Kumar S/o- Ranjit Ray Village- Ganjpar Ps- Athmalgola Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-06-2025 Learned counsel for the petitioner prays for and is allowed to delete paragraph-7 of the petition in which incorrect information has been recorded.

2. Heard the parties.

3. The petitioner is apprehending his arrest in connection with Athmalgola P.S. Case No. 88 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.03.2025 by the informant, Omkar Nath Ray.

4. As per the prosecution story, the informant alleged that a Toto was intercepted and there is recovery/seizure of 48 liters of country made liquor. This led to the FIR.

5. Learned counsel for the petitioner submits that he does not own the vehicle rather is a driver incorrectly recorded in paragraph-7 that he is not the driver of the vehicle. Further,



one of the passenger left the bag, totally unaware, he got implicated and the last submission is that the petitioner has no criminal antecedent.

6. Learned APP opposes the prayer submitting that he is the driver of the *toto*.

7. Taking into account the submissions of the parties as also that petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. 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 Exclusive Special Judge, Excise Barh (Patna) in connection with Athmalgola P.S. Case No. 88 of 2025 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)

Adnan/-

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