

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37303 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Pawan Kumar @ Pawan Kushwahan Son of Umesh Prasad @ Umesh Kushwaha village- Dumarwana, Ward no. 15, ps- Pakridayal, Dist- East champaran
2. Krishna Kumar @ Krishna Kushwahan Son of Ram Suruj Kushwaha village- Dumarwana, Ward no. 15, ps- Pakridayal, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Pakridayal P.S. Case No. 26 of 2025 for the offence under Section 30(a) of Bihar Prohibition and Excise Act lodged on 18.01.2025 by the informant, Anju Kumari, P.S.I. of Pakridayal Police Station.

3. As per the prosecution story, the informant alleged that upon secret information, the police personnels reached the mango orchard which belongs to the accused Sujoy Prasad and there is recovery/seizure of 26.250 litres of foreign liquor in two cartons. This led to the FIR.

4. Learned counsel for the petitioners submits that the



recovery/seizure is from open mango orchard, that too of Sujoy Prasad, these two petitioners have been implicated only because they have one criminal antecedent each.

5. Learned APP opposes the prayer submitting that locals gave their names.

6. Considering the submissions put forward by the parties as also the fact that the recovery/seizure is not from their mango orchard and undertaking has been given that they shall diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.3, East Champaran, Motihari, in connection with Pakridayal P.S. Case No. 26 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.

(Rajiv Roy, J)

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