

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38078 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- JHAROKHAR District- East Champaran

BHAIRAVLAL KUMAR Son of Rambaboo Rai @ Rambabu Rai Resident of
village - Yadavbanshi Nagar, P.S.- Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-06-2025 Heard Mr. Manjeet Kumar Mishra, learned Counsel
for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jharokhar P.S. Case No. 15 of 2025 for the offence registered under sections 317(5) & 30(a) of Bihar Prohibition & Excise Act, 2016 lodged on 08.02.2025 by the informant, Abhay Kumar.

3. As per the prosecution story, the informant alleged that upon secret information of movement of consignment, a motorcycle was intercepted. Though the accused managed to escape, from the motorcycle, 174.3 litre Nepali liquor recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that he does not own the motorcycle and only because of local enmity,



has been named. Further, he has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the locals gave his name.

6. Considering the submissions of the parties as also the fact that the petitioner does not own the motorcycle nor has any criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner 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 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. 3, East Champaran, Motihari in connection with Jharokhar P.S. Case No. 15 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 petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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