

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38587 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- PHENHARA District- East Champaran

Anil Kumar Bhagat @ Anil Bhagat S/o Ramashray Bhagat R/o Village- Khan
Pipra, Madhurapur, Ward No. 08, P.S.- Phenhara, District- East Champaran at
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2025 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Phenhara P.S. Case No. 70 of 2025 for the offence under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act lodged on 13.04.2025 by the informant, Birendra Manjhi.

3. As per the prosecution story, the informant alleged that on information about the petitioner selling liquor near his home, the place was raided and there is recovery/seizure of 26 liters of country-made liquor from a cow-shed. This led to the FIR.

4. Learned counsel for the petitioner submits that



admittedly, the recovery/seizure is from a cow-shed, an open place, this petitioner has absolutely no criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also the fact that the petitioner has no criminal antecedent nor anything has been recovered from his conscious possession, 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 Exclusive Special Excise Court No. 3, East Champaran, Motihari in connection with Phenhara P.S. Case No. 70 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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