

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38454 of 2025

Arising Out of PS. Case No.-306 Year-2024 Thana- ROH District- Nawada

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Upendra Rajbanshi S/O Late Munna Rajbanshi @ Munn Rajbanshi Resident
of Village- Bhupeshnagar ,P.S- Roh ,Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate
Mr. Rajnish Kumar, Advocate
Ms. Sweta Burnwal, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Roh P.S. Case No. 306 of 2024 instituted under Sections 30(a) (d) of the Bihar Prohibition and Excise Act, 2022 lodged on 30.09.2024 by the informant, Dinanath Rai.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and there is recovery/seizure of 90 liters of country made wine. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated, nothing has been recovered from his conscious possession.

5. Learned APP, Mr. Bharat Bhushan opposes the



prayer.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is not from his conscious possession, FIR lodged, he shall be facing 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 his arrest or surrender before the subordinate court 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 the like amount each in connection with Roh P.S. Case No. 306 of 2024 to the satisfaction of learned Excise Special Court, Excise-2, Nawada subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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)

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