

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40821 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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Navneet Kumar @ Navnit Kumar Son of Kunj Bihari Tiwari Resident of
Village-Sekhauna, Dubey Kathariya, P.S.-Kalyanpur, District -East
Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhandev Kumar, Adv. Mr. Isha Mishra, Adv.
For the Opposite Party/s :		Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-06-2025 Heard Mr. Sharda Nand Mishra, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Trial
No. 43/2025 arising out of Sangrampur P.S. Case No. 227 of 2024
for the offence punishable under sections 30(a) of the Bihar
Prohibition & Excise (Amendment) Act, 2022lodged on
10.09.2024 by the informant, Banafal Akshay Kumar.

3. As per the prosecution story, the informant alleged
that during checking of the vehicle, a motorcycle was intercepted
and as they failed to give any reply, it was checked and 8.28 liters
of foreign liquor recovered/seized, which followed the F.I.R.

4. Learned counsel for the petitioner submits that earlier
on wrong narration that the motorcycle does not belong to them,



bail was granted to the petitioner. However, it later came to the record that the motorcycle belongs to the family, used by the petitioner on the fateful day, as such, he could not come out of jail due to wrong submission made before the Court.

5. Learned counsel for the petitioner submits that for the same, he has already suffered and presently is in custody since 11.09.2024 having no criminal history.

6. Learned APP opposes the prayer for bail submitting that wrong statement was made in the earlier bail application.

7. Though the facts are there, the petitioner has remained in custody since 11.09.2024 and it has been recorded that he has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. However, if contrary to the submission made which is on record, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Trial No. 43/2025 arising out of Sangrampur P.S. Case No. 227 of



2024 subject to 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for 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)

Vijay Singh/-

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