

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42711 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

Sunil Rajbhar @ Sunil Kumar S/o Ram Niwas Rajbhar @ Ram Niwaj
Rajbhar R/o Village-Mitralok Colony, P.S.- Mufassil, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Advocate
For the State : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of anticipatory bail in connection with Buxar (Mufassil) P.S. Case No. 445 of 2024 instituted under Sections Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. Earlier the anticipatory bail application of the petitioner has been rejected vide order dated 28.03.2025 passed in Cr. Misc. No. 10816 of 2025, which reads as under:

“ Heard the parties.

2. The petitioner apprehends his arrest in connection with Buxar (Mufassil) P.S. Case No. 445 of 2024 registered for offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, total



100.08 liters of illicit liquor was recovered from agricultural field.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Petitioner claims clean antecedent. Petitioner has no concern with the alleged recovery.

5. Learned APP for the State has opposes the prayer for bail.

6. Considering the aforesaid circumstances, this application for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above-named, in the event of his arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 1, Buxar/ concerned court below in connection with Buxar (Mufassil) P.S. Case No. 445 of 2024, subject to the conditions as laid down under Section 482 of the Code of Criminal Procedure.

8. Before accepting the bail-bond of the petitioner, the court below will verify the antecedent of the petitioner. If the petitioner is found having clean antecedent, the bail-bonds of the petitioner shall be accepted. If the petitioner is found having criminal antecedent(s), his bail-bonds shall not be accepted by the court below.”

4. The bail bonds of the petitioner was not accepted as the petitioner had suppressed the two criminal antecedent in the earlier anticipatory bail application. The petitioner has again preferred the present application for grant of anticipatory bail. Out of the two cases, one case is under the Excise Act. The petitioner was named by a co-accused in the earlier case.



5. Considering the aforesaid circumstances, this application for anticipatory bail is allowed.

6. Accordingly, let the petitioner, above name, in the event of arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. 1, Buxar, District- Buxar in connection with Buxar (Mufassil) P.S. Case No. 445 of 2024, subject to the conditions laid down in Section 482 of the BNSS/ 438(2) of the Code of Criminal Procedure, 1973, subject to the condition that both the bailors should be the blood relative of the petitioner.

7. The petitioner will also mark attendance in Mufassil Police Station, District- Buxar on every Sunday of the month. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

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