

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43081 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- JAMOBABAZAR District- Siwan

Dhananjay Kumar S/o Jagarnath Prasad R/o Village- Nautan, P.S.- G.B
.Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Raghav Prasad, learned counsel for the
petitioners and Mr. Satya Nand Shukla, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Jamo Bazar P.S. Case No. 296 of 2024, F.I.R. dated
05.09.2024 for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. The prosecution case in brief is that the informant got
secret information on 05.09.2024 at 18:30 that one person has
fell down from his motorcycle in road accident and motorcycle
is lying on road with a bag. The informant along with police
party reached to the place of occurrence and found one
motorcycle and a bag. On search of motorcycle and bag 20 litres
of liquor was recovered from the bag and accordingly the same
was seized.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. It appears from the FIR as well as seizure list that altogether 20 litres of of liquor was recovered from the bag which was attached with the motorcycle in question. Learned counsel for the petitioner further submits that motorcycle in question was taken away by the neighbourer of the petitioner and when the neighbourer had made the road accident he has fled away from the place of occurrence and the police has recovered the illicit liquor along with the motorcycle in question. And the petitioner has been made accused merely on the ground that he is the owner of the motorcycle in question.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail and submits that petitioner carries three cases other than the present one but fairly submits that petitioner is on bail in all the cases.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from conscious possession of the petitioner and he has been made accused in the present case merely on the ground that he is owner of the vehicle in question let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Siwan in connection with Jamo Bazar P.S. Case No. 296 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Raj Ranjan/-

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