

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51140 of 2025**

Arising out of PS. Case No.-79 Year-2025 Thana- JAMALPUR District- Munger

Chotu Kumar @ Jaideo Kumar, S/o Late Anup Yadav, R/o Chhoti Keshopur,  
Ward No 30, Nalapar, Jamalpur, Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s: Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      11-08-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018. He has no criminal antecedent.

3. The prosecution case is to the effect that the police during patrolling received on secret information that two persons were carrying country-made liquor on a motorcycle and in a CNG Tempo. It is further alleged that on seeing the police party two persons tried to flee, however, one was apprehended who disclosed his name as Arun Kumar, who was the driver of the CNG Tempo and another person namely Chhotu Kumar @ Jaideo Kumar (Petitioner), who fled away from there was the



rider of the motorcycle. It is next alleged that the apprehended accused disclosed the name of the petitioner and he was the owner of the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because the motorcycle belongs to the petitioner. It is further submitted by learned counsel for the petitioner that admittedly no recovery has been made from the motorcycle and recovery has been made from the said tempo. It is next submitted by learned counsel for the petitioner that no incriminating material has been recovered from the conscious possession of the petitioner and the petitioner has clean antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1, Munger in connection with Jamalpur P.S. Case No. 79 of 2025, subject to the con-



ditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 the same or in the name of



verification.

(v) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

**(Sourendra Pandey, J)**

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