

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52562 of 2025

Arising out of PS. Case No.-399 Year-2025 Thana- PIRBAHOR District- Patna

Rajeev Kumar, S/o Shiv Nath Mahto, R/o Village- Near Chhaukiya, P.S.-
Gangabridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Remy Singh, Advocate
For the Opposite Party/s: Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 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 Prohibi-
tion and Excise Act. He has no criminal antecedent.

3. As per the prosecution case, the police during pa-
trolling intercepted two motorcycles and it was being ridden by
three persons, the police chased and apprehended one person
while three persons managed to flee. It is further alleged that on
search of both the motorcycles, 50 litres country-made liquor
was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and his name has surfaced
during the course of investigation and it was found that one



Scooty bearing No. BR-01JE 9185 was registered in the name of the petitioner. Learned counsel for the petitioner further submits that no incriminating article has been recovered from the conscious possession of the petitioner. It is also submitted by learned counsel for the petitioner that Scooty was being used by one of the friend namely Kundan Kumar and petitioner has no concern with the alleged recovered article. It is lastly submitted by learned counsel for the petitioner that 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-2, Patna in connection with Pirbahore P.S. Case No. 399 of 2025, subject to the conditions 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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