

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51049 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- TURKAULIYA District- East Champaran

Ajay Kumar Son of Surendra Sah Resident of village - Mahanava Bazar, P.S.-
Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mr. Sangeeta Sharma, 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 registered for the offence punishable u/s 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police apprehended one Rina Devi with a bag containing 7.2 litres of illicit foreign liquor and on being asked, she disclosed the name of the person who fled away as Ajay Kumar (petitioner). On search, total 5.76 litres of illicit foreign liquor was recovered from the motorcycle which was left by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that no incriminating



article has been recovered from the conscious possession of the petitioner. It is next submitted that the petitioner is not the owner of the said motorcycle and he has no concern with the said recovery. It is lastly submitted that the petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and also considering the fact that the petitioner has clean antecedent, let the above named petitioner, in the event of his arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, in connection with Turkauliya P.S. Case No. 67 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(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 bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(v) The learned 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.

(vi) The learned Court below shall also verify as to whether the petitioner is the owner of the seized motorcycle or not, and if the petitioner is found to be the owner of the said motorcycle the bail order shall not be given effect to.

7. This application stands allowed.

(Sourendra Pandey, J)

Jyoti/-

U		T	
---	--	---	--

