

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59418 of 2025

Arising Out of PS. Case No.-456 Year-2024 Thana- TARAIYA District- Saran

Kush Kumar S/o Late Ramcharitra Prasad Yadav Resident of village-
Barwakala, PS- Ghorasahan, District- East champaran, motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanishk Kaustubh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Taraiya P.S. Case No. 456 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise, 2018 lodged on 12.12.2024 by the informant, Dinesh Kumar Yadav.

3. As per the prosecution story, the Police upon secret information intercepted a Gypsy and there is recovery/seizure of 172.800 liter of frooty foreign liquor.

4. The person accompanying the Gypsy, Sumit Sahagal acknowledged that both the vehicles and the liquor belong to him. This led to the FIR.

5. Learned counsel for the petitioner submits that he has five criminal antecedents but the in the present case, he had already sold the Gypsy to Tribhu Kumar in the year 2014, he



failed to get it transferred in his name, the DTO office still shows the name of this petitioner and in that background, he got implicated.

6. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, Saran at Chapra for purchase of/installation of Sanitary Vending Machine/flower posts for Civil Court Campus, Saran at Chapra through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

7. Learned APP opposes the prayer submitting that he has antecedent.

8. Taking into account the submissions of the parties as also the fact the person apprehended himself acknowledged that the liquor belongs to him, the subsequent development shows that he has already sold the vehicle to Tribhu Kumar but the same was not registered, FIR is there, he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.15,000/- to the District Legal Services Authority, Saran at Chapra for purchase of/installation of Sanitary Vending



Machine/flower posts for Civil Court Campus, Saran at Chapra through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Taraiya P.S. Case No. 456 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.-03, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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