

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55657 of 2025

Arising Out of PS. Case No.-217 Year-2025 Thana- MADHUBAN District- East Champaran

Nawal Rai @ Nawal Yadav S/o Bhola Rai, Resident of Village- Mangru Bara,
PS- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate. Mr. Hemant Ray, Advocate.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Madhuban P.S. Case No.217 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 70 liter country made liquor kept in the bag from the Splendor Plus motorcycle bearing Registration No. BR-05-BF-7852. It is alleged that the petitioner fled away from the spot after seeing the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. He further submits that the



petitioner was not present on the spot and no incriminating article has been recovered from his conscious or constructive possession and only on the basis of disclosure statement made by the Chaukidar he has been made accused in this case. Learned counsel submits that petitioner is not the owner of the seized motorcycle and he has no concern with the said motorcycle or the seized liquor. He further submits that petitioner has two criminal antecedents, in which he is on bail and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon 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 Excise Court No.3, Motihari, East Champaran in connection with Madhuban P.S. Case No.217 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further following conditions:-



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

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

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

(Sunil Dutta Mishra, J)

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