

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59489 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- NAUHATTA District- Saharsa

Prabhash Kumar S/O Bhagwat Yadav R/O Vill.- Purushottampur, P.S.-
Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard Mr. Rajiv Ranjan, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Navhatta P.S. Case No. 76 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 07.04.2024 by the informant, Kumar Gupta.

3. As per the prosecution story, the Police during vehicle checking, intercepted a motorcycle and there is recovery/seizure of 34 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that though he owns the motorcycle, during vehicle checking, documents were asked for, he went to bring the same, in that background, the Police implicated him. The petitioner do not



have criminal antecedent. Further, he undertakes that if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that the motorcycle belong to him.

6. Taking into account the submissions of the parties as also that this petitioner has criminal antecedent, FIR is there, he shall be facing the trial, an undertaking has been given that he shall be appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Navhatta P.S. Case No. 76 of 2024 to the satisfaction of learned Exclusive Special Judge, Excise-II, Saharsa 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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