

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59492 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- CHIRAIYA District- East Champaran

Shahbuddin @ Md. Shahbuddin S/o Nurul Haque @ Md. Nurul Haque
Resident of village - Dipahi / Sipali Sheikh Toli, P.S.- Chiraiya, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Harsha Shashwat, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard Ms. Harsha Shashwat, learned counsel for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Chiraiya P.S. Case No. 167 of 2025 instituted under
Sections 317(5), 41(1) & 30(a) of the Bihar Prohibition and
Excise Act lodged on 26.04.2025 by the informant, Ashish
Kumar.

3. As per the prosecution story, the Police intercepted
a motorcycle and there is recovery/seizure of 18 liters of country
made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the
motorcycle does not belong to him, has no criminal antecedent,
only due to enmity, his name has cropped up by the



apprehended person, if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also that the petitioner does not own the motorcycle nor has criminal antecedent, 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 Chiraiya P.S. Case No. 167 of 2025 to the satisfaction of learned Special Judge, Excise Court No.1, Motihari, East Champaran 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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