

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59340 of 2025

Arising Out of PS. Case No.-380 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

Radhe Shyam Kumar @ Radhe Kumar S/o Husaini Sahani R/o vill - Agarwa,
P.S.- Motihari Town, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 380 of 2025 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 10.05.2025 by the informant, Priyanka Kumari.

3. As per the prosecution story, the informant alleged that upon secret informant that this petitioner is selling liquor, raided the place and there is/was recovery/seizure of 3.700 liter foreign liquor near the hand pump. This led to the F.I.R.

4. Learned counsel for the petitioner submits that he has no role to play in the matter, recovery/seizure is from outside the house, only because of criminal antecedent, got



implicated, if granted relief, he shall be diligently appearing in trial. The further submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, East Champaran at Motihari for the beautification/purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, East Champaran at Motihari.

5. Learned APP opposes the prayer submitting that the petitioner has criminal antecedent of the same nature.

6. Considering the submissions of the parties as also the fact that the nothing has been recovered from his conscious possession rather outside the house, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, East Champaran at Motihari, for the beautification/purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, East Champaran at Motihari and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services



Authority, East Champaran at Motihari.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari, in connection with Motihari Town P.S. Case No. 380 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;



(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 bail bonds.

8. Let a copy of the order be communicated to the learned Principal District & Sessions Judge, East Champaran at Motihari for perusal and needful.

(Rajiv Roy, J)

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