

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59640 of 2025

Arising Out of PS. Case No.-300 Year-2024 Thana- BHAGWANPUR District- Vaishali

Nishant Kumar Son of Chandeshwar Rai R/o Village - Shital Bhakurahar, P.S.
- Sarai, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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 Bhagwanpur P.S. Case No. 300 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.11.2024 by the informant, Ramdhyan Yadav.

3. As per the prosecution story, the motorcycle was intercepted and 10 liters of country-made liquor recovered/seized and the persons riding it namely Rajendra Sah was arrested. This led to the FIR.

4. Learned counsel for the petitioner submits that though motorcycle belongs to him, it got stolen and the Police instead of registering the FIR, recorded *sanha* copy of which is annexure-2 and he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the



motorcycle belongs to him.

6. Taking into account the submissions of the parties as also that one of the annexure shows that his motorcycle got stolen and the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Court of Exclusive Special Excise Court No.-I, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 300 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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;

(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)

Adnan/-

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