

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59631 of 2025

Arising Out of PS. Case No.-566 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

Prabhat Rai S/O Sarvjeet Rai R/O Village- Mahaddipur, P.S- Chiraiya, Distt.-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Motihari Excise P.S. Case No. 566 of 2022 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.12.2020.

3. As per the prosecution story, the informant alleged that upon secret information, near the pond, there was recovery of 34 liters of country made liquor beside 3200 liters semi prepared liquor was/were found, after keeping one liter from it, rest was destroyed. The locals gave the name of the petitioner which led to the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from an open place and not from his



conscious possession, do not have criminal antecedent and shall be diligently appearing in trial.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that his name has been given by the locals.

6. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent, nothing has been recovered from his conscious possession and an undertaking is given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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. 2, East Champaran, Motihari in connection with Motihari Excise P.S. Case No. 566 of 2022 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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