

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59445 of 2025

Arising Out of PS. Case No.-136 Year-2025 Thana- KHANPURA District- Samastipur

Arjun Kumar @ Sri Arjun Kumar S/o Babulal Mahto @ Baubelal Mahto @
Boru Lal Mahto @ Boalal Mahto R/o Village- Chakka Khanpur, P.S.-
Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rani Shashi Bharti, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard Ms. Rani Shashi Bharti, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection
with Khanpur P.S. Case No. 136 of 2005 instituted under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022 lodged on 16.06.2025 by the informant,
Umashankar Kumar Singh.

3. As per the prosecution story, the informant alleged
that on secret information, the place was raided and in the
bushes and ditches, there is recovery/seizure of 108.780 liters
of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that



only because of the fact that he has two criminal antecedent, got implicated. He has no role to play in the matter and there is no recovery/seizure from his conscious possession, Further, one Roushan Kumar has been granted relief by a coordinate bench in Cr. Misc. No. 54843 of 2025.

5 Let the same be kept on record.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid facts as also that the recovery/seizure is from an open place and not from his conscious possession, though he has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. 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 Khanpur P.S. Case No. 136 of 2005 to the satisfaction of learned Exclusive Special Judge Excise-I, Samastipur 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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