

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59357 of 2025**

Arising Out of PS. Case No.-629 Year-2019 Thana- BARH District- Patna

Kare Badal @ Pappu Ram S/O Shyam Ram Resident of Village- Puraibag,  
Police Station - Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      22-09-2025                      Heard learned Counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Special Excise Case No. 34 of 2020, Tr. No. 268 of 2025 (arising out of Barh P.S. Case No. 629 of 2019) for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 31.12.2019 by the informant, Rajendra Ram.

3. As per the prosecution story, the informant alleged that upon information about manufacturing of illicit liquor, the Police reached the place, this petitioner along with other co-accused managed to escape, on query, local 'Choukidar' gave the names. Further, upon search, 15 liter country made liquor in plastic gallon along with cooking pot and 500 liter semi-finished



chhowa recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered from his conscious possession rather outside the place, *choukidar* has named and that is the reason for the implication only because he has criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Patna for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Barh Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from an open place not from the conscious possession, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District



Legal Services Authority, Patna for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Barh Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Patna.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Barh, Patna in connection with Special Excise Case No. 34 of 2020, Tr. No. 268 of 2025 (arising out of Barh P.S. Case No. 629 of 2019) subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 attendance and at the end of the period, the certificate be submitted to the Court;

(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 the bail bonds.

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Barh, Patna for his/her perusal and needful.

**(Rajiv Roy, J)**

Vijay Singh/-

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