

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59359 of 2025

Arising Out of PS. Case No.-196 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

RAKESH SAH @ TIKKADHARI @ RAKESH GUPTA S/O Asarphi Sah
Resident of village- Jamuniya Jadopur Shukul, P.S.- Vishambharpur, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, 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 Kuchaikote P.S. Case No. 196 of 2025 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution story, the informant alleged that upon secret information, two motorcycles were intercepted, from Munna Singh's motorcycle, there is recovery/seizure of 16 liter 600 ml country made liquor while from the petitioner's motorcycle, the recovery is 6 liter 800 ml. This led to the FIR.

4. Learned Counsel for the petitioner submits that neither he owns the motorcycle nor was driving the same, only



due to enmity, the *Choukidar* gave the name. Further, 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, Gopalganj for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Gopalganj 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 petitioner does not own the motorcycle nor is the driver, his name has been given by the Choukidar, 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, Gopalganj for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Gopalganj 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 Gopalganj.

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 Addl. District and Session Judge IV cum Exclusive Special Judge Excise No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 196 of 2025 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, Gopalganj for his/her
perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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