

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61096 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Anand Kumar S/O Jogi Choudhary R/O Ward No. 6, Shiv Park Renukoot,
Near Shiv Mandir Renukoot, P.S- Renukoot, Distt.- Sonbhadra, State- U.P.-
231217.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2025 Heard Mr. Sujit Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP

representing the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 339 of 2025 registered for the offence under Sections 30(a), 32(i), 32(iii), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act, lodged on 14.05.2025 by the informant, Rakesh Kumar.

3. As per the prosecution story, the Police on information intercepted a Honda Amaze on National Highway-2 and there is recovery/seizure of 220.800 liters foreign liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that it



was being driven by the Sudhanshu Maurya, he being the owner had no knowledge that the liquor is being carried in it, the petitioner has no criminal antecedent, if granted relief, shall be diligently appearing in trial. The further submission is that without accepting the allegation and/or outcome of the petition, the petitioner intends to pay Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Kaimur at Bhabua for the beautification/purchasing of flower pots/sanitary vending machine in the Civil Court Campus, Kaimur at Bhabhua whichever is required.

5. Learned APP opposes the prayer submitting that he owns the vehicle.

6. Taking into account the submission of the parties as also the fact that the petitioner has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Kaimur at Bhabua, for the beautification/purchasing of flower pots/sanitary vending machine whichever is required in the District Legal Services



Authority, Kaimur at Bhabhua and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Kaimur at Bhabhua.

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 Exclusive Special Judge (Excise-II), Kaimur at Bhabhua, in connection with Excise P.S. Case No. 339 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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/her 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 and at the end of the period a certificate be submitted



before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(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 bail bonds.

8. Let a copy of the order be communicated to the learned Principal District & Sessions Judge, Kaimur at Bhabhua for perusal and needful.

(Rajiv Roy, J)

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