

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63802 of 2025

Arising Out of PS. Case No.-140 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Ramesh Prasad S/o Basant Prasad R/o Ramgarhwa Bazar, P.S.- Ramgarhwa,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 140/2021 for the offence under Sections 30(a)34(a)/45 of the Bihar Prohibition and Excise Act lodged on 18.03.2021.

3. As per the prosecution story, the Police intercepted one motorcycle and there is recovery/seizure of 17.280 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that his nephew, Suranj Kumar and Vicky Kumar had taken the vehicle who got apprehended along with the liquor. Only because, the vehicle belongs to him, got implicated. He has no criminal antecedent.



5. Learned APP opposes the prayer submitting that the vehicle belongs to the petitioner.

6. Taking into account the submissions of the parties as also that two persons were apprehended along with the liquor, this petitioner has no criminal antecedent, 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 Special Excise Court No. 2, East Champaran, Motihari, in connection with Excise Case No. 140/2021, 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)

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