

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61361 of 2025

Arising Out of PS. Case No.-7 Year-2021 Thana- GHORASAHAN District- East Champaran

BHANU SETH S/o- Mokhtar Prasad Yadav Village- Balua Po- Bijbani Ps-
Jitna Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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 Ghorasahan (Jitna) P.S. Case No. 07 of 2021 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 04.01.2021.

3. As per the prosecution story, the informant alleged that the Police intercepted one motorcycle and there is recovery/seizure of 51 liters of Nepali liquor. The persons arrested was Saroj Kumar and he gave the names of the other accused persons who managed to escape, the petitioner being one of them. This led to the FIR.

4. Learned counsel for the petitioner submits that neither the motorcycle belongs to him nor the alleged recovery is from his conscious possession and he do not have any



criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, East Champaran for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine, whichever is required in the Civil Court Campus of East Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that the arrested person, Saroj Kumar has named him.

6. Taking into account the submissions of the parties as also that it has been informed that the motorcycle does not belongs to him, has no criminal antecedent and nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, East Champaran for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine, whichever is required in the Civil Court Campus of East Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall



be submitted to the trial Court by the DLSA, East Champaran.

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 Judge under Excise Act, East Champaran in connection with Ghorasahan (Jitna) P.S. Case No. 07 of 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.

9. A copy of the order be sent to the Principal District and Sessions Judge, East Champaran for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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