

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64002 of 2025

Arising Out of PS. Case No.-72 Year-2021 Thana- KURSAILA District- Katihar

=====

Arun Kumar S/O Shiv Narayan Ray Resident of Ladogarh, P.S.- Jankinagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

Mrs. Niharika Rani, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard Ms. Niharika Rani, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Kursaila P.S. Case No. 72 of 2021 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 01.06.2021 by the informant, Nanhe Kumar Dubey.

3. As per the prosecution story, the Police intercepted a Wagon-R car and there is recovery/seizure of 143.640 liters of foreign liquor. The occupants managed to escape. This led to the FIR.

4. Learned counsel for the petitioner submits that the car is registered in his name which he had given to one Ajit



Kumar and the fact that the Police recovered a mobile in the car belonging to Ajit Kumar substantiate his point and the petitioner has no 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. 15,000/- to the District Legal Services Authority, Katihar 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 Katihar Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that the car belongs to him.

6. Taking into account the submissions of the parties as also that the petitioner 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. 15,000/- to the District Legal Services Authority, Katihar 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 Katihar 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, Katihar.

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 Exclusive Special Excise Court-II, Katihar in connection with Kursaila P.S. Case No. 72 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, Katihar for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

