

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61261 of 2025

Arising Out of PS. Case No.-300 Year-2022 Thana- SUGAULI District- East Champaran

Nitesh Kumar Son of Omkar @ Onkar Mahto Resident of Village - Bhedihari,
P.S. - Sugauli, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 300 of 2022 for the offence registered under sections 272, 273/34 of the Indian Penal Code and 30(a)/(c) of the Bihar Prohibition and Excise Act lodged on 23.06.2022 by the informant, Rajkumar Ram.

3. As per the prosecution story, the informant alleged that on secret information, the police was raided the place and there is recovery/seizure of 10 litres country made liquor and 3000 litres of mahua solution, the chowkidar named in, this led to the FIR.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession nor he has no criminal antecedent only due to enmity, the chowkidar named in, If granted relief, he shall be diligently appearing in trial.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the submissions of the parties as also the fact that nothing has been recovered from his conscious possession nor he has criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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 Special Judge, Excise Judge Court No. 1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 300 of 2022, 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;

(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.

(Rajiv Roy, J)

Raj Ranjan/-

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