

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63756 of 2025

Arising Out of PS. Case No.-266 Year-2022 Thana- BUXAR District- Buxar

Biru Kumar S/o Jiya Lal Ji R/o Village - Kachchi Dargah, Jethuli, P.O -
Kachchi Dargah, Jethuli, P.S - Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, 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 Buxar P.S. Case No. 266 of 2022 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 18.05.2022 by the informant, Manish Kumar.

3. As per the prosecution story, the Police during checking of vehicles at Ganga Bridge intercepted a vehicle (Indica) and recovered/seized 103.26 liters of wine. This led to the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, the driver did not named him but only on the basis of the stamp paper available in the car, petitioner gets implicated and he did not own the vehicle. 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, Buxar 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 Buxar Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent and the driver apprehended have also not named him, 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, Buxar 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 Buxar 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, Buxar.

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. 1, Buxar in connection with Buxar P.S. Case No. 266 of 2022 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, Buxar for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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