

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63861 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- DARBHANGA District- Darbhanga

Kumar Laliteshwar Jha Son of Late Narendra Jha R/o Sahbajpur, Shahwajipur
Salem, Post Office - Bhikhanpura Police Station - Ahiyapur, District –
Muzaffarpur. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Town P.S. Case No. 41 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 28.02.2025 by the informant, Ekram Khan.

3. As per the prosecution story, the informant alleged that upon secret information, the vehicles were intercepted and there is recovery/seizure of 17.28 liters of foreign liquor and Rs.22,500/- from the pocket of Deepak beside him, Sonu Kumar was also arrested. From the Tempo, there is recovery/seizure of 214.70 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the vehicle on which there is recovery/seizure of 17.28 liters of foreign liquor. It is being driven by Deepak Kumar who confessed to the crime and only because of owner, got



implicated. With the help of Annexure-2, he submits that it was sold to Deepak Kumar on 20.12.2024, before the date of occurrence but the ownership was not transferred.

5. Learned APP opposes the prayer submitting that he owns the vehicle.

6. Taking into account the aforesaid facts/submissions as also that the petitioner do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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 his arrest or surrender before the subordinate court 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 the like amount each in connection with Town P.S. Case No. 41 of 2025 to the satisfaction of learned Special Judge No.1, (Excise Act), Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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