

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64119 of 2025

Arising Out of PS. Case No.-305 Year-2025 Thana- BANJARIA District- East Champaran

Dhamu Kumar Sah @ Dhamu Kumar S/o Nagendra Sah Resident of Village-
Jhakhya Chowk, P.S.- Banjariya, District- East Champaran, Motihari
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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 Banjariya P.S. Case No. 305/2025 for the offence under Sections Sections 30(a)/41(i) of the Bihar Prohibition and Excise Amendment Act, lodged on 04.06.2025 by the informant, Sanjay Kumar Yadav.

3. As per the prosecution story, on secret information, the police raided the mutton shop of Dhamu Kumar and recovered/seized 6.300 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that it is an open place and people come there to purchase mutton who left the bag, not known to the petitioner, but got implicated. Further, the police taking advantage of his criminal antecedent, dragged him in this case.



5. Learned APP opposes the prayer submitting that liquor has been recovered from his mutton shop.

6. Taking into account the submissions of the parties as also, that, recovery/seizure has been made from this mutton shop an open place and not from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Banjariya P.S. Case No. 305 of 2025, in connection with Special Judge, Excise Judge Court No. 1, East Champaran, Motihari, 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.

(Rajiv Roy, J)

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