

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63809 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- ARERAJ District- East Champaran

Dharmendra Prasad @ Dharmendra Kumar Son of Shambhu Prasad @
Shambhu Raut Resident of Village- Hardy, ward No 5, Police Station-
Areraj, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sweta Kumari

For the Opposite Party/s : Mr.Binod Kumar

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 Areraj P.S. Case No. 113/2025 P for the offence under Sections 274/275 of the BNS and Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 23.05.2025 by the informant, Avinash Choudhary.

3. As per the prosecution story, the informant on secret information, house of the petitioner was raided and behind the said house, there is recovery/seizure of 8.07 liters of English wine. This led to the FIR.

4. Learned counsel for the petitioner submits that on perusal of the F.I.R. would show that recovery/seizure is from open place outside the house not from his conscious possession. Only because of his criminal antecedent, he got implicated.



5. Learned APP opposes the prayer submitting that recovery/seizure is near the house of the petitioner.

6. Taking into account the submissions of the parties as also that recovery is outside the house and he is facing the music, 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 Special Judge, Excise Court No. 1, East Champaran, Motihari in connection with Areraj P.S. Case No. 113/2025, 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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