

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63871 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- Excise P.S. District- Rohtas

Rajiv Kumar Jain S/o Late Jineshwar Prasad Jain R/o Mohalla- Quarter No.
S/124, Dalmianagar, P.S.- Sidhauri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Excise Case No. 505 of 2025 arising out of Excise P.S. Case No. 238 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.07.2025 by the informant, Prince Kumar.

3. As per the prosecution story, the informant alleged that on secret information, a motorcycle was intercepted and there is recovery/seizure of 55 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the motorcycle was given to his neighbour, little realizing that it has been involved in a recovery of country made liquor. Last



submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the motorcycle belongs to him.

6. Taking into account aforesaid facts as also that this petitioner has no criminal antecedent, 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 Excise Case No. 505 of 2025 arising out of Excise P.S. Case No. 238 of 2025 to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram 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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