

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63784 of 2025

Arising Out of PS. Case No.-417 Year-2023 Thana- CHHAURADANO District- East
Champaran

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Budhan Patel @ Bhudhan Patel Son of Late Gagandev Patel R/o Village -
Bherihari, P.S. - Adapur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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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 Chhauradano (Mahuawa) P.S. Case No. 417/23 for the offence under Sections 414 of the IPC and Sections 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 10.12.2023 by the informant, Birsa Oraon.

3. As per the prosecution story, the Police intercepted one motorcycle and there is recovery/seizure of 8.1 liters of countrymade liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that Anil Kumar was apprehended along with the liquor, he had given the motorcycle to said Anil Kumar, being co-villager Anil Kumar being no knowledge that he used to carry liquor. The petitioner has no criminal antecedent.



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

6. Taking into account the submissions of the parties as also that nothing has been recovered from the conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Exclusive Excise Court-02, East Champaran, Motihari in connection with Chhauradano (Mahuawa) Case No. 417/2023, 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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