

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64220 of 2025

Arising Out of PS. Case No.-368 Year-2025 Thana- Excise P.S. District- Nawada

Sudhir Kumar S/o Alakh Dev @ Alakh Yadav R/o Village - Bhojpur, P.S.-
Giriyak, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Nand 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 Excise P.S. Case No. 368 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 04.06.2025 by the informant, Bablu Kumar.

3. As per the prosecution story, the Police intercepted a bus and recovered/seized 15.375 liters of foreign liquor. The Police continued with the bus and found a person with the motorcycle. He was Vikash Kumar, he was also caught and according to the Police, he gave the name of Sudhir Kumar (the petitioner) on whose instruction, he has arrived. This led to the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from the Brahamdev Yadav, later, on his



confession, Vikash Kumar has been arrested. This petitioner has no role to play and only because of criminal antecedent, got implicated.

5. Learned APP opposes the prayer submitting that Brahamdev Yadav named him. However, he has criminal antecedent.

6. Taking into account the submissions of the parties as also that the recovery/seizure is from Brahamdev Yadav, nothing has been recovered from his conscious possession, FIR has been lodged, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 P.S. Case No. 368 of 2025 to the satisfaction of learned Exclusive Spl. Judge Excise Court No.II, Nawada 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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