

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64144 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Devdutta Sharma @ Devdatt Das son of Dukhi Sharma Residen of village-
Dhamsaini Morkahi Ward No 46, PS -Saharsa District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 160 of 2025 for the offence registered under sections 30(a) and 30(c) of Bihar Prohibition and Excise, 2018 lodged on 06.02.2025 by the informant, Varun Kumar Sharma.

3. As per the prosecution story, the informant alleged that as per the information that the petitioner is manufacturing liquor at the bank of river, went there and there is recovery/seizure of 10 liter country made liquor along with the utensils. This led to the FIR.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that the recovery/seizure is from



an open place, not from his conscious possession and he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that those present, named him.

6. Considering the submissions of the parties as also that the petitioner is an old man of 75 years having no criminal antecedent, the recovery/seizure is from an open place, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if 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 in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise)-II, Saharsa in connection with Saharsa Sadar P.S. Case No. 160 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *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 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;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

