

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64833 of 2025

Arising Out of PS. Case No.-256 Year-2025 Thana- BARACHATTI District- Gaya

1. Shambu Saw @ Shambhu Kumar S/O Kishori Saw Resident of Village- Bhadeya, P.S.- Barachatty, District- Gaya,
2. Arvind Kumar S/O Suresh Prasad Resident of Village- Musehni, P.S.- Dobhi, District- Gaya,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-09-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 256 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 13.07.2025 by the informant, Rameshwar Kumar.

3. As per the prosecution story, the Police during patrolling, intercepted a motorcycle and there is recovery, seizure of 2 liters of *mahua* liquor and 50 kg of *mahua* flower. The '*chowkidar*' named the accused, petitioners included. This led to the FIR.

4. Learned counsel for the petitioners submit that recovery/seizure is from a parked motorcycle, they have no



criminal antecedent and only because the 'chowkidar named them, implicated.

5. Learned APP opposes the prayer submitting that petitioner no. 2 owns the motorcycle.

6. Taking into account the submissions of the parties as also that nothing have been recovered from their conscious possession nor the petitioners have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. If, however, it is found that contrary to the statement made in paragraph-3, the petitioners have criminal antecedent, the present order shall become infructuous.

8. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court, No. 5, Gaya in connection with Barachatti P.S. Case No. 256 of 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 petitioners who shall provide official



document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

(Rajiv Roy, J)

Adnan/-

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