

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69279 of 2025

Arising Out of PS. Case No.-435 Year-2024 Thana- Excise P.S. District- Banka

Mahesh Nadaf son of Kanhai Nadaf Resident of Village -Domuhan PS And District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Banka Excise P.S. Case No. 435 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, the Police intercepted a motorcycle and there is recovery/seizure of 22 liter country made liquor, one Jitendra Kumar was arrested. This led to the FIR.

4. Learned Counsel for the petitioner submits that only because the motorcycle is owned by him, got implicated. It was being driven by his son, Jitendra Kumar who has since been arrested and the petitioner has no criminal antecedent.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner owns the vehicle.

6. Taking into account the aforesaid facts as also that the petitioner has no criminal antecedent, FIR is there, he shall be facing the trial, 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 Court of Special Judge, Excise Court-2, Banka in connection with Banka Excise P.S. Case No. 435 of 2024 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 appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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