

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70288 of 2025

Arising Out of PS. Case No.-459 Year-2018 Thana- BODHGAYA District- Gaya

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Jitendra Kumar S/O Modi Yadav R/O Village- Khatu Kewal, P.S- Hunterganj,
Dist.- Chara (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bodhgaya P.S. Case No. 459 of 2018 for the offence registered under sections 272, 273 of I.P.C and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 31.07.2018 by the informant, Ramjee Singh.

3. As per the prosecution story, the police on secret information intercepted a vehicle and there is recovery/seizure of of 150 litres of country made liquor, this led to the FIR.

4. Learned Counsel for the petitioner submits that neither he has criminal antecedent nor the vehicle which was earlier owned by him now is with him, it was sold to Lakhan Yadav, even the person with the liquor arrested was Chandan Kumar.

5. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail submitting that he owns the vehicle.

6. Considering the submissions of the parties as also the fact that the petitioner has no criminal antecedent, Chandan Kumar has been arrested with the liquor, nothing has been recovered from his conscious possession, 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 Excise Court No. 1, Gaya in connection with Bodhgaya P.S. Case No. 459 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner(s) should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;



(ii) the petitioner(s) 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(s) 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(s) 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(s) 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)

Raj Ranjan/-

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