

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70268 of 2025

Arising Out of PS. Case No.-207 Year-2025 Thana- Excise P.S. District- East Champaran

Mani Bhushan Kumar S/o Bihari Rai R/o Village- Bakhari Khajuri, P.S.-
Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, 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 Excise P.S. Case No. 207 of 2025 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 10.02.2025 by the informant, Luv Kumar Paswan.

3. As per the prosecution story, the informant alleged that on secret information about the trade of illegal liquor, the place near canal was raided and there is recovery/seizure of altogether 846 litres of Nepali liquor. Those present gave the names of the accused persons, petitioner implicated, this led to the FIR.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered from the conscious possession of the petitioner and only



because the locals gave the name, got implicated, though he concede that the petitioner has criminal antecedent.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner(s) intends to contribute Rs. 25,000/- to the District Legal Services Authority, East Champaran, Motihari for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of East Champaran, Motihari Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner has criminal antecedent.

7. Taking into account the submission of the parties as also that the recovery/seizure is from an open place and not from the conscious possession of the petitioner, FIR is there, he shall be facing the music, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 25,000/- to the District Legal Services Authority, East Champaran, Motihari for the beautification of the Civil Court Campus/purchase of flower



pots/purchase of sanitary vending machine, whichever is required in the Civil Court Campus of East Champaran, Motihari Judgeship as undertaken by the petitioner(s) through the learned counsel by way of Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure be submitted to the Trial Court by the DLSA, East Champaran, Motihari.

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. 2, East Champaran, Motihari in connection with Excise P.S. Case No. 207 of 2025 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.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, East Champaran, Motihari for his/her perusal and needful.

(Rajiv Roy, J)

Raj Ranjan/-

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