

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70724 of 2025

Arising Out of PS. Case No.-288 Year-2020 Thana- JAYNAGAR District- Madhubani

Md. Ismail Son of Jamir @ Md. Zamir Resident of village - Padma, Paduma,
P.S.- Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-10-2025 Heard Ms. Kumari Pallavi, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jaynagar P.S. Case No. 288 of 2020 for the offence registered under sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.08.2020 by the informant, Arvind Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the motorcycle was intercepted and there is recovery/seizure of total 44.4 litres of Nepali country made liquor, this led to the FIR.

4. It is the case of the petitioner that earlier the motorcycle belonged to him, it was sold to Md. Shoaib under the impression that he has already sold the motorcycle, the delay occurred in coming before to Court for grant of relief.

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. 10,000/- to the District Legal Services Authority, Madhubani 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 Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned APP Mr. Bharat Bhushan for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the motorcycle was in the name of the petitioner.

7. Taking into account the submission of the parties as also that the petitioner do not have criminal antecedent, according to the document, he sold the motorcycle to Md. Shoaib prior to the incident, FIR is there, he shall be facing the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Madhubani 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 Madhubani 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 shall be submitted to the Trial Court by the DLSA Madhubani.

8. 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.

9. 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, Madhubani in connection with Jaynagar P.S. Case No. 288 of 2020 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.

10. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

Raj Ranjan/-

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