

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70777 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- DURAULI District- Siwan

Subhash @ Subash @ Subash Sah S/o Nagu Resident Of Village- Chakki
Musadohi, Ps- Madhuban, Dist- Mau, U.P., Presently residing at Raghav
Nagar, P.S.- Kotwali, Distt.- Deoria, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-10-2025 Heard Mr. Prasahant Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Durauli P.S. Case No. 125 of 2025 for the offence under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act lodged on 16.05.2025 by the informant, Vishvanath Prasad Bharti.

3. As per the prosecution story, the Police on secret information, intercepted a motorcycle and there is recovery/seizure of 36 liters of country-made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he do not have any criminal antecedent, though motorcycle belongs



to him, he is a labourer working in Bangaluru and had no knowledge how the motorcycle was taken up and driven to Bihar where it was seized.

5. Learned APP opposes the prayer submitting that the petitioner owns the vehicle.

6. Taking into account the submissions of the parties as also the averments made in the petition and the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, 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 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court – I, Siwan in connection with Durauli P.S. Case No. 125 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 petitioner who shall provide official document to show his/her 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 six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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