

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71374 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- DEWARIA District- Muzaffarpur

Rahul Kumar S/O Brij Kishor Ray @ Braj Kishor Ray R/O Village-
Chainpura, P.S- Deoria, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Advocate
	:	Mr. Manish Kumar, Advocate
	:	Mr. Kishore Saurabh, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Deoria P.S. Case No. 174 of 2025 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.08.2025 by the informant, Manoj Kumar Sah.

3. As per the prosecution story, the Police on information reached near Mohammad Tahir's house. Two Scorpio/motorcycle were parked there, search was made and altogether recovery from the vehicle/behind the house of Md. Tahir is/are 2347.785 liters foreign liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from the vehicle behind the house of Mohammad Tahir. Nothing has been recovered from his conscious possession nor he owns any of the vehicle. Further



submission is that he has no criminal antecedent and 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, Muzaffarpur 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 Muzaffarpur Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

5. Learned APP Mr. Jitendra Kumar Singh, opposes the prayer submitting that his name has also come though the arrest of Kundan Tiwari has been made from the place of occurrence.

6. Though there has been large recovery from the said place, admittedly, this petitioner do not own any of the vehicle, specific allegation is against Mohammad Tahir, this petitioner has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.25,000/- to the District Legal Services Authority, Muzaffarpur 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 Muzaffarpur, Judgeship as undertaken by the petitioner(s) through the learned counsel through 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 District Legal Services Authority, Muzaffarpur.

7. However, if it is found that contrary to the statement made in paragraph no.3 of the petition, 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 Special Judge Excise Court-II, Muzaffarpur, in connection with Deoria P.S. Case No. 174 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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/her 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 his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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 bail bonds.

9. Let a copy of the order be sent to the Principal District & Sessions Judge, Muzaffarpur for perusal and needful.

(Rajiv Roy, J)

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