

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70776 of 2025

Arising Out of PS. Case No.-319 Year-2023 Thana- BAHERA District- Darbhanga

Md. Kaish @ Kais S/o Basir R/o Village- Baluwaha, P.S.- Ashok Paper Mill,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 319 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 26.07.2023 by the informant, Shyam Sundar.

3. As per the prosecution story, the informant alleged that on secret information and during patrolling, the Scorpio and the motorcycle were intercepted/searched and there is recovery/seizure of 360 liters of Nepali liquor from Scorpio and 27 liters from the motorcycle. Those sitting in the Scorpio, Arjun Choupal and Ranjan Kumar Mahto gave the name of the driver as Anil Yadav. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that though vehicle belongs to him, it was with the driver for



commercial use and he do not have any criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Darbhanga 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 Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

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

6. Taking into account the submissions of the parties as also that the petitioner do not have criminal antecedent and nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Darbhanga 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 Darbhanga Judgeship as undertaken by the learned counsel for the petitioner 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 DLSA, Darbhanga.

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 Judge-II, (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 319 of 2023 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.

9. A copy of the order be sent to the Principal District and Sessions Judge, Darbhanga for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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