

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70742 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- BHAGWANGANJ District- Patna

Upendra Bind S/o- Mala Bind Resident of Deoriya PS- Bhagwanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rima Sahay, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Bhagwanganj P.S. Case No. 129 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 01.08.2025 by the informant, Anil Kumar Singh.

3. As per the prosecution story, the informant alleged that on secret information, during patrolling duty, the Police reached near Surya Temple. Allegation is that this petitioner ran away throwing the bag from which, the recovery is of 39 liters of country-made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, only because locals have enmity with him, implicated and he do not



have any criminal antecedent.

5. Learned APP opposes the prayer submitting that the locals have named him.

6. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession and he do not have any 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 Court of Special Judge Excise Act-II, Patna in connection with Bhagwanganj P.S. Case No. 129 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 next six months to mark his attendance;

(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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