

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87748 of 2024**

Arising Out of PS. Case No.-252 Year-2024 Thana- TILAUTHU District- Rohtas

Sakil Khan Son of Late Sabir Khan Resident of Village - Makrain, P.S. -  
Dehri (Dalmiya Nagar), District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Kant, Adv.

For the State : Mr. Kumar Ranjit Ranjan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**

ORAL ORDER

2      10-01-2025                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The instant application for anticipatory bail  
  
has been filed by the petitioner apprehending his arrest in  
  
a case instituted for the offence punishable under Section  
  
30(a) of Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 60  
  
litres country made liquor from a Motorcycle, bearing  
  
Reg. No. BR-24K-3105. Two persons (Himanshu Kumar  
  
and Ravi Raj) were apprehended on the spot.

4. Learned counsel appearing on behalf of the  
  
petitioner has submitted that petitioner is innocent and



has committed no offence. He has no concern with the alleged recovery. The name of petitioner sprang up in this case merely on the basis that he is registered owner of the aforementioned motorcycle. It is further submitted that petitioner had sold his above motorcycle to Akash Kumar on 12.08.2020 and Akash Kumar committed the breach of trust with the petitioner and did not get transferred the vehicle to his name. (copy of Agreement is annexed as Annexure to this petition). Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court



below within a period of four weeks from today and in the event of his arrest or surrender in connection with Tilauthu P.S. Case no. 252 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II-cum-Additional District and Sessions Judge, Rohtas at Sasaram, subject to the conditions as laid down under section 438(2) of the Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will



be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

