

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83953 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- KHUTAUNA District- Madhubani

Anish Gurmaita @ Atish Gurmaita @ Atish Yadav S/o Budhu Gurmaita @
Budhu Yadav R/o Village - Parsahi, P.S - Khutauna, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Khutauna P.S. Case No. 125 of 2025 for the offence under sections 274, 275, 3(5) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police intercepted two persons, one managed to escape, other Krish Kumar was taken into custody and he gave the name of the other who escaped as Chhote Lal Thakur. There is recovery/seizure of 45 liters Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, Krish Kumar was arrested, he gave the name of the person escaped as Chhote Lal Thakur, only because the motorcycle is owned by him and he had given it to



his nephew, Krish Kumar, got implicated.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that he owns the motorcycle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner has not been named nor he has 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 with conditions

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 Act, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 125 of 2025 subject to 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month 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)

Vijay Singh/-

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