

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84571 of 2025

Arising out of PS. Case No.-261 Year-2025 Thana- Kavaia District- Lakhisarai

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Pawan Modi S/o- Sahdeo Modi R/v- Panjabi Mohalla W.No-16, Ps- Kavaia
Lakhisarai Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s: Mr. Pranav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 24-12-2025 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kavaia P.S. Case No. 261 of 2025, F.I.R dated 30.06.2025 registered for the offences punishable under Sections 318(4)/3(5) of Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, a raid was conducted in the house of the petitioner by the representatives of ITC with the help of police and recovery of two cartoons of empty cigarette packet, two sacks of empty cigarette packs and 7.5 lacs rupees cash were recovered from the house of the petitioner. The petitioner is alleged to be using the materials for selling cigarette passing it off as made by ITC.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in



the instant case and the seizure which is shown to have been made for implicating the petitioner's father and this petitioner and entire process was not recorded strictly in consonance with law and is in violation of the provision of Sections 103 and 105 BNSS. It is next submitted that the petitioner is nowhere involved in the instant case and the father of the petitioner was taken into custody on 01.07.2025 who has been granted regular bail by a Co-ordinate Bench of this Court *vide* order dated 10.09.2025 passed in Cr. Misc. No. 62035 of 2025. It is also submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application and submits that the petitioner and petitioner's father were involved in selling cigarette showing it to be made by ITC whereas they themselves sealed the cigarette in their house with empty wrappers of ITC company brand.

6. Considering the aforesaid facts and circumstances of the case and the fact that the father of the petitioner who is old age person has already been granted regular bail by a Co-ordinate Bench of this Court *vide* order dated 10.09.2025 passed in Cr. Misc. No. 62035 of 2025 and allegations being similar in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Kabaiya P.S. Case No. 261 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the court below;

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Ajit Kumar, J)

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