

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86048 of 2025

Arising Out of PS. Case No.-316 Year-2023 Thana- SONBERSA District- Sitamarhi

Devendra Thakur @ Debendra Thakur S/O Late Suryadeb Thakur Resident of
village- Ward No 09, Pakariya P.O. Pipra Parsain, P.S.- Sonbarsa, Distt.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 316 of 2023, instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was allowed vide order
dated 06.08.2024 passed by a Co-ordinate Bench of this Court
in Cr. Misc. No. 55656 of 2024, with a direction to petitioner
surrender before the learned court below within a period of six
weeks but petitioner could not surrender within six weeks. After
that the petitioner filed Cr. Misc. No. 34542 of 2025 for



modification of the said order seeking extension of time to surrender before the court below which was rejected vide order dated 20.06.2025, passed by a Co-ordinate Bench of this Court. Hence, present application is being filed for grant of Regular bail to the petitioner.

4. The prosecution case, in short, is that total 270 liters of foreign liquor was recovered from xylo car.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner submits that petitioner has been granted anticipatory bail vide order dated 06.08.2024 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 55656 of 2024, with a direction to petitioner surrender before the learned court below within a period of six weeks but petitioner could not surrender within six weeks. After that the petitioner filed Cr. Misc. No. 34542 of 2025 for modification the said order and further for extension of time to surrender before the court below which was rejected vide order dated 20.06.2025, passed by a Co-ordinate Bench of this Court. The petitioner is in custody



since 29.08.2025 and has got eleven criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa P.S. Case No. 316 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.



(IV) The petitioner will not leave the territorial jurisdiction of the Court below without its prior permission for the same.

(Rudra Prakash Mishra, J)

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