

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88573 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- NAANPUR District- Sitamarhi

Harendra Kumar S/o- Vijay Singh R/v- Ramnagara W.No-3, Ps- Aurai Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard Mr. Uday Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Nanpur P.S. Case No. 295 of 2025 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 14.07.2025 by the informant, Subodh Kumar.

3. There has been recovery of altogether 10 litres of illicit country made liquor as well as some utensil used in preparing liquor along with one motorcycle have been recovered from the orchard of one Markandey Pandey. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery of the illicit country made liquor is said to have been



made from an orchard of one Markandey Pandey while from the motorcycle in question, which belongs to this petitioner, nothing is said to have been recovered while the other article, which forms part of the seizure, is said to be independent seizure which is in no way connected. However, it is the stand of the petitioner that while he had gone for treatment of his wife, the motorcycle in question for ulterior reason has been shown to form part of its seizure. It has fairly been submitted that petitioner has got one criminal antecedent relating to Aurai PS Case no. 76/2020 in which his is on bail.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner submitting that the recovery of motorcycle of petitioner from the place of occurrence indicates that the role of petitioner cannot be ruled out.

6. Considering the fact that the recovery has not been made from the constructive possession of the petitioner or from the motorcycle of the petitioner rather recovery was said to have been made from the orchard of one Markandey Pandey, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, 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 Exclusive Excise Court-02, Sitamarhi in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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 their/his bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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