

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88525 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- KARPURIGRAM District- Samastipur

Subodh Kumar S/o Shree Ram Srestha Rai R/o vill - Dudhpura, P.S.-
Samastipur (Muffassil), Distt.- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Karpoorigram P.S. Case No. 107 of 2025 for the offence punishable under sections 30(a) of the Bihar Excise and Prohibition Act, lodged on 29.09.2025 by the informant, Birbal Yadav.

3. As per the prosecution case, there has been recovery of 518.400 litres of illicit liquor, allegedly, from an orchard. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery is said to have been made from a mango orchard which does not belong to this petitioner and the owner of the motorcycle, which is said to have been recovered from the place



of occurrence, has also been made accused in this case. The petitioner is an innocent and has falsely been implicated in this on the basis of statement of Chaukidar and he has got one criminal antecedent related to Samastipur Mufassil PS Case No. 230/2022 in which, he is on bail.

5. Learned APP opposes the prayer submitting that there is recovery of 518.400 litres of illicit liquor.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the place from where the seizure is said to have been made does not belong to this petitioner and he is also not the owner of the motorcycle which is said to have been recovered from the place of occurrence, 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 Exclusive Special Judge, Excise- 1st Samastipur 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 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 bail bonds.

(Ajit Kumar, J)

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