

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85586 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- BARHAT District- Jamui

Rohit Kumar S/O Nandlal Bhagat @ Bholu Bhagat @ Bhelu Bhagat R/O Vill
- Bhaluka, P.S - Barhat, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Barhat P.S. Case No. 138 of 2025 registered for the offences
under Sections 30(a) of the Bihar Prohibition & Excise Act.

3. As per the F.I.R., the informant received secret
information that the petitioner was engaged in the sale of illicit
liquor. On receiving such information, a raid was conducted and
a total quantity of 52.500 litres of foreign liquor was allegedly
recovered from a field situated near the old poultry farm.
Subsequent thereto, the police conducted a raid in the shop of
the petitioner from where 6.750 litres of liquor was allegedly
recovered and the petitioner is alleged to have fled from the
spot.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has falsely been implicated in the present case and that no recovery, as alleged, has been made from his conscious possession. It has further been submitted that the alleged recovery of 52.50 litres of liquor was made from a field near the old poultry farm, which neither belongs to the petitioner nor is in his possession and is admittedly an open and accessible place by all. It has next been submitted that there is no independent witness to the alleged search and seizure. It has lastly been submitted that the petitioner does not carry any criminal antecedent of similar nature, though there is one case pending against him.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Barhat P.S. Case No. 138 of 2025 subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two 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.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(vi) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Jamui within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. Accordingly, the prayer for anticipatory bail is allowed.

(Sourendra Pandey, J)

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