

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89869 of 2025

Arising Out of PS. Case No.-358 Year-2025 Thana- Excise P.S. District- Bhagalpur

Chotu Kumar @ Chhotu Kumar S/o Umesh Mandal Resident of Village - Jay
Mangal Tola, Police Station - Ismailpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 08-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Excise (Sadar) P.S. Case No. 358 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant, along with the police force while on a patrolling duty intercepted a car and on search a total of 87.750 litres of foreign liquor was recovered. The driver of the said car was apprehended on the spot and disclosed his name as Chotu Kumar (the petitioner).

4. The learned counsel for the petitioner submits



that the petitioner is innocent and has been falsely implicated in the present case, having no concern whatsoever with the alleged recovery of liquor. It has further been submitted that the petitioner was merely the driver of the car and had no knowledge of the consignment kept therein. The learned counsel lastly submits that the petitioner has clean antecedent and he is in custody since 25.09.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 2,500/- in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case, let the petitioner, above named, 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 court below where the case is pending/successor court in connection Excise (Sadar) P.S.



Case No. 358 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(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.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of



aforesaid amount with the Lawyers’ Association Welfare Benevolent Fund.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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