

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34027 of 2025**

Arising Out of PS. Case No.-128 Year-2024 Thana- Pothia District- Katihar

Sarvan Kumar @ Shravan Kumar S/o- Binod Sah Village- Bhakri Station
Tiwari Tola W.No-13, P.S.- Pothia Dist- Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

2 29-05-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Pothia P.S. Case No. 128 of 2024, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018. Petitioner has clean antecedent.

3. The prosecution case is to the effect that the patrolling party intercepted a tempo and one person who was trying to flee was apprehended who disclosed his name as Sarvan Kumar @ Shravan Kumar (petitioner). On search, total 122.04 liters of Indian made foreign liquor was recovered from the tempo.

4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case only because he happens to be the driver of the tempo



which is a commercial vehicle. The learned counsel further submits that the petitioner was not aware of the contents which were kept in the tempo and nothing was recovered from the conscious possession of the petitioner. It has lastly been submitted that the petitioner carries clean antecedent and is in custody since 19.12.2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner was apprehended with a large quantity of Indian made foreign liquor.

6. Considering the aforesaid submissions made by the parties and taking into account that petitioner has clean antecedent and also considering the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. 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 court of learned Additional District and Sessions Judge cum Special Excise Court-II, Katihar @ Court of Exclusive Special Excise Judge-II, Katihar, in connection with Pothia P.S. Case No. 128 of 2024, 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.

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