

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22901 of 2025

Arising Out of PS. Case No.-855 Year-2024 Thana- Excise P.S. District- Siwan

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Dhrupdev Bhagat @ Dhruvdev Bhagat S/O Ramayan Bhagat Resident of
Village - Nikhti Khurd, P.S. - Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and Mr. Satyendra Narayan Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Siwan Excise P.S. Case No. 855 of 2024, F.I.R. dated
29.12.2024 for the offences punishable under Sections 30(a) and
32(3) of the Bihar Prohibition and Excise (Amendment) Act.

3. According to prosecution case, total 27 litres of illicit
country made liquor was recovered from the motorcycle bearing
Registration No. UP52F3370.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent he has falsely been implicated in
the present case merely on the ground that the recovery has been
made from the motorcycle in question. As per the allegation in
the FIR, petitioner is bonafide owner of the motorcycle in



question. Learned counsel for the petitioner submits that the motorcycle in question was stolen by some unknown person and the petitioner has filed an FIR in November, 2024 and the present FIR was instituted in December 2024. It appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner, petitioner has been made accused in the present case merely on the ground that he is owner of the vehicle in question in fact the petitioner has filed an FIR before lodging of the present FIR for his stolen motorcycle, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Exclusive Special Excise Court No.- II, Siwan in connection with Siwan Excise P.S. Case No. 855 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

Raj Ranjan/-

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