

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22203 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- Excise P.S. District- Begusarai

1. Diwakar Kumar Singh Son of Late Mogal Prasad Singh @ Mogal Singh (wrongly mentioned in FIR as Late Mongal Prasad Singh @ Mongal Singh) Resident of village- Suro, Rajput Tol, Ward No.-12,, P.S.- Bachhwara, District- Begusarai
2. Dinkar Kumar Singh @ Dina Kumar Singh son of Mogal Prasad Singh @ Mogal Singh (wrongly mentioned in FIR as Late Mongal Prasad Singh @ Mongal Singh) Resident of village- Suro, Rajput Tol, Ward No.-12,, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Khushi Awadh, Adv.
For the Opposite Party/s : Mrs.Sharda Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard Ms. Khushi Awadh, learned counsel for the petitioners and Mrs. Sharda Kumari, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Begusarai Excise P.S. Case No. 67 of 2025 for the offence under sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 17.02.2025 by the informant, Govind Kumar.

3. As per the prosecution story, upon secret information, the house of the petitioners was raided and in presence of two women, it was searched, though nothing was recovered/seized. Subsequently, the adjoining thatched house



was also searched and there is recovery / seizure of 354.06 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioners has made a categorical statement in paragraph-9 that the hut, from which the alleged recovery has been shown, does not belong to them and / or his family members. Further, the petitioners do not have criminal antecedent either. The last submission is that without accepting the allegation and/or the outcome of the case, the petitioners intend to contribute Rs. 20,000/- (10,000/- each) to the District Legal Services Authority, Begusarai for the beautification of the Civil Court Campus, Bagusarai through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer stating that there has recovery of huge quantity of foreign liquor from the thatched hut near the house of the petitioners.

6. Considering the submissions of the parties as also the categorical statement made by petitioners that the said hut does not belong to them, both of them do not have criminal antecedent, in that background, this is inclined to extend him the privilege of anticipatory bail, subject to deposit of Rs. 20,000/- (10,000/- each) to the District Legal Services Authority,



Begusarai for the beautification of the Civil Court Campus, Begusarai through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioners, 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) each with two sureties of like amount each to the satisfaction of Sri Sunil Kumar Choubey, learned Exclusive Special Excise Judge-II, Begusarai in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(iv) the petitioners 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;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. Let this order be communicated to the learned Principal District & Sessions Judge, Begusarai for his perusal and needful.

(Rajiv Roy, J)

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