

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25822 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- EXCISE BENIPUR District- Darbhanga

Ramvaran Yadav S/O Ram Udagar Yadav R/O Village- Kalyanpur (Jariso),
P.S- Bahera, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Benipur Excise P.S. Case No. 12 of 2025 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 27.01.2025 by the informant, Purshottam Kumar.

3. As per the prosecution story, the informant alleged that the Police upon secret information, intercepted a motorcycle and there is recovery/seizure of 10 liters country made liquor which led to the F.I.R.

4. Learned counsel for the petitioner submits that though he owns the motorcycle, it was taken away by his nephew Rohit Kumar, he had no knowledge about it and got implicated only because has criminal antecedent. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.5,000/- to the District Legal Services Authority, Darbhanga by Demand Draft issued by the local



branch of the State Bank of India for the purchasing of flower pots for the Civil Court Campus, Darbhanga.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also that the name of Rohit Kumar his nephew has come who was driving the motorcycle, though the petitioner has criminal antecedent, nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- to the District Legal Services Authority, Darbhanga by Demand Draft issued by the local branch of State Bank of India for the purchasing of flower pots for the Civil Court Campus, Darbhanga and the receipt has to be submitted before the Trial Court.

7. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge 1st, Excise Act, Darbhanga, in connection with Benipur Excise P.S. Case No. 12 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

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

8. Let a copy of the order be sent to the Principal District and Sessions Judge, Darbhanga for perusal and needful.

(Rajiv Roy, J)

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