

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24570 of 2025

Arising Out of PS. Case No.-418 Year-2024 Thana- ATHMALGOLA District- Patna

Lalan Kumar S/o Magetar Rai @ Manjetar Rai R/o Village- Kund, P.S.-
Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the State : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2025 Heard Mr. Ashok Kumar Sinha, learned counsel for
the petitioner and Mr. Bishweshwar Ram, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Athmalgola P.S. Case No. 418 of 2024 for the offence
registered under Sections 281/ 125/ 338/ 3(5) of BNS, 2023 and
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022 lodged on 23.12.2024 by the informant Harish Kumar .

3. As per the prosecution story, the informant alleged
that on information, on Barh-Bakhtiyarpur main road, a Maruti
Swift Dzire was intercepted and there is recovery/seizure of 110
liters of syrup. As the driver tried to escape, he also hit an auto.
This led to the FIR.

4. Learned counsel for the petitioner submits that he



being a driver, had no knowledge about the drugs kept in the car. He has no criminal antecedent and only because being the owner, he got implicated. Further, he shall be diligently appearing in trial and without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15000/- for putting flower pots in the Civil Court Campus, Barh (Patna) judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he is the owner of the car.

6. Taking into account the aforesaid fact as also that the petitioner do not have criminal antecedent, he is owner of the car, FIR lodged, shall be facing the music, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Barh, Patna for putting up flower pots in the Civil Court Campus of Barh, Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Patna.

7. Let the petitioner in the event of arrest or



surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge- Barh, District-Patna in connection with Athmalgola P.S. Case No. 418 of 2024 subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show is *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 bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 the bail bonds.

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

(Rajiv Roy, J)

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