

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26121 of 2025

Arising Out of PS. Case No.-883 Year-2024 Thana- Excise P.S. District- Nawada

Ganesh Kumar @ Mogal Kumar @Mogal Son of Mangaru Chaudhary
village- Shiv Nagar, P.S.- Nawada Town, District- Nawada, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2025 Heard Mr. Arjun Prasad, learned counsel for the
petitioner and Mr. Sunil Kumar Pandey, learned APP for the
State.

2. The petitioner is apprehending his arrest in
connection with Excise P.S. Nawada (Excise P.S.) Case No.883
of 2024 for the offence under sections 30(a) of the Bihar
Prohibition and Excise Act, 2016, lodged on 16.12.2024 by the
informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged
that on secret information, that Mangaru Chaudhary is selling
wine, he along with other police personnel reached the place.
One Santosh Kumar was arrested and recovery of 2.805 litres
foreign liquor from his house. He confessed the crime and also
informed that his younger brother, namely, Ganesh Kumar @



Mogal Kumar (the petitioner) is part of the said crime .
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is a young boy, has no role to play in the matter, recovery/seizure is from Santosh Kumar, only because he has criminal antecedent (from the record of the supplementary affidavit) he has been implicated.

5. Learned APP opposes the prayer submitting that his own bother has named him.

6. Taking into account the submissions of the parties as also that the person arrested is Santosh Kumar, recovery/seizure is from his house, this petitioner is young, nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Excise Court-2, Nawada in connection with Excise P.S. Nawada (Excise P.S.) Case No. 883 of 2024, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

(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 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 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 his bail bonds.

(Rajiv Roy, J)

anand/-

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