

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26590 of 2025

Arising Out of PS. Case No.-551 Year-2024 Thana- MIRGANJ District- Gopalganj

Raj Mangal Sahani S/O Nirbal Sahani Village- Kowa, Mohbbatpur, P.S.-
Lalganj, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2025 Heard Mr. Vyas Kumar Mishra, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Mirganj P.S. Case No. 551 of 2024 for the offence under section 317(5) of the B.N.S. and section 30(a) of the Bihar Prohibition and Excise Act lodged on 26.11.2024 by the informant, Santosh Kumar.

3. As per the prosecution story, the informant upon secret information, intercepted the motorcycle and there is recovery/seizure of 259.200 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that though the motorcycle belongs to him, it was parked at the particular place, who under what circumstance put the liquor in it is not known to him, he is ready to face the trial, do not have



criminal antecedent and is an aged person. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Gopalganj for beautification/putting up flower pots in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties as also that though recovery/seizure is from the motorcycle which is owned by him, according to the petitioner, it was parked at a particular place, nothing has been recovered from his conscious possession and he has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Gopalganj for beautification/putting up flower pots in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Gopalganj.

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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No. II, Gopalganj in connection with Mirganj P.S. Case No. 551 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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Gopalganj for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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