

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30301 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- Bhalpatti District- Darbhanga

Md. Jawed Ansari Son of Md. Mustakim Ansari @ Mustakim Ansari R/O
Village- Harli, P.S.- Daru, District- Hazaribagh, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the State : Mr. Jitendra Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard Mr. Binod Murari Mishra, learned counsel for
the petitioner and Mr. Jitendra Kumar Sinha, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Bhalpatti P.S. Case No. 54 of 2024 for the offence
registered under Sections 30(a), 41 (a) of Bihar Prohibition and
Excise Act lodged on 01.08.2024 by the informant Nikhilendra
Kumar Nikhil.

3. As per the prosecution story, the informant alleged
that while on duty, he intercepted a truck and there is recovery
of 504.375 liters of English wine. The driver escaped from the
place which led to the FIR.

4. Learned counsel for the petitioner submits that he
being a driver, have no role to play in the matter nor has



anything to do with the alleged recovery/seizure. He went to attend the call of nature and did not escaped. The petitioner has no criminal antecedent and last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Darbhanga for the beautification of the Darbhanga Civil Court Campus of Darbhanga 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 and submits that he was driving the truck.

6. Considering the submission of the parties as also the recovery/seizure is from the truck, not from his conscious possession, he is a driver, has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Darbhanga for the beautification of the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the same be submitted to the trial Court by the DLSA, Darbhanga.



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 Special Judge-1st, Excise, Darbhanga in connection with Bhalpatti P.S. Case No. 54 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, Darbhanga for his perusal and needful.

(Rajiv Roy, J)

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