

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34972 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- Excise P.S. District- Nawada

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Gagan Rajvanshi @ Gonga Rajvanshi @ Goga Rajvanshi S/o Jagar Rajvanshi
RESIDENT OF VILLAGE- KHANPUR, P.S.- HISUA, DISTRICT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Section 30(a) of Bihar Prohibition and Excise
Act.

3. As per the prosecution case, the police on some
information raided the house of one Subodh Chaudhary and
from the open place in the house, three liter country-made wine
was recovered and one person, who was trying to flee disclosed
his name as Subodh Chaudhary, was apprehended. It is further
alleged that the police party got secret information that Gagan
Rajbanshi (petitioner) would be coming to the way of bank of
canal and as such the police raided the said place and one person



who was coming on motorcycle with a plastic bag tried to flee on seeing the police party he threw the plastic bag and fled away. On search, total 36 liter country-made wine was recovered and subsequently, again on a secret information 121 country-made wine was recovered from the bank of river.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and the said seizure was made from the bank of canal. It is next submitted that the petitioner has no concern with the alleged recovery and no incriminating article has been recovered from his conscious physical possession. It is lastly submitted that the petitioner has three criminal antecedents and is in custody since 19.04.2025. Learned counsel for the petitioner undertakes to deposit a fine of Rs. 5,000/- in the account of Advocate Association of the Patna High Court.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner, let the petitioner above- named, on deposition of a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court and an acknowledgment receipt be submitted



before the learned Court below prior to the furnishing of bail-bond and thereafter on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada, in connection with Nawada Excise P.S. Case No. 48/2025, subject to the following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- e. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has



concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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