

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38348 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- MIRGANJ District- Gopalganj

Bikash Kumar @ Bikash Kumar Ram S/O- Sudama Ram Resident of Village-
Kusaundhi Tola Dudhai, P.S.- Mirganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-06-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 64/2025 for the offence registered under sections 317(5) of BNS, 2023 and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 07.02.2025 by the informant, Praveen Kumar.

3. As per the prosecution story, the Police upon secret information, intercepted a motorcycle coming from Uttar Pradesh side. The accused managed to escape and there is recovery/seizure of 99 liter country made liquor. The locals gave the name of the petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that neither the motorcycle belongs to him nor anything recovered from his conscious possession and the Police only because of



criminal antecedent, has implicated. Further, if granted bail, he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also the fact that motorcycle does not belong to the petitioner and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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) each with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-IV-cum-Spl. Excise Court No.-II, Gopalganj in connection with Mirganj P.S. Case No. 64/2025 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 his *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.

(Rajiv Roy, J)

Vijay Singh/-

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