

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63854 of 2025

Arising Out of PS. Case No.-251 Year-2025 Thana- PHULPARAS District- Madhubani

1. Gauri Shankar Mandal S/o Pawan Mandal Resident of Village- Kalapatti, PS- Phulparas, Distt.- Madhubani
2. Pawan Mandal @ Pawan Kumar Mandal S/o Late Mashodi Mandal @ Masodhi Mandal Resident of Village- Kalapatti, PS- Phulparas, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Adv.
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Phulparas P.S. Case No. 251 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act lodged on 09.06.2025 by the informant, Pawan Kumar Singh.

3. As per the prosecution story, the informant alleged that on secret information, the cow shed area of the petitioner's house was raided and there is recovery/seizure of 388.54 liter wine. This led to the FIR.

4. Learned Counsel for the petitioner submits that the



recovery/seizure is not from the house rather from a cow shed having access to everyone. He has been implicated only because of criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Madhubani for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Madhubani 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 submitting that they have criminal antecedent.

6. Considering the submissions of the parties as also the fact that recovery/seizure is from an open place not from their conscious possession, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Madhubani for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State



Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Madhubani.

7. Let the petitioners 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 Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 251 of 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 their *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 their 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 and at the end of the period, the certificate be submitted to the Court;

(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 the order be sent to the learned
Principal District and Sessions Judge, Madhubani for his/her
perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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