

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63890 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- GORAUL District- Vaishali

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Muntun Rai Son of Late Deepa Rai Resident of Village- Supaul Tariya, P.S.-
Mahua, District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Goraul P.S. Case No. 231 of 2024 instituted under Section 30(a),32(ii),41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 21.06.2024 by the informant, Jai Ram Tiwari.

3. As per the prosecution story, the informant alleged that on secret information, a Pick Up Van was intercepted and there is recovery/seizure of 734.4 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he owns the Pick Up Van, got implicated. The person apprehended was the driver, Balvir Kumar and he had no knowledge about movement of the liquor in the Pick Up Van.



5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.20,000/- to the District Legal Services Authority, Vaishali at Hajipur for purchase of/installation of Sanitary Vending Machine for Civil Court Campus, Vaishali at Hajipur through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

6. Learned APP opposes the prayer submitting that he owns the vehicle cannot be escaped from the responsibility.

7. Taking into account submissions of the parties as also that the recovery/seizure is from the Pick Up Van which was being carried by Balvir Kumar, he is the owner, nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.20,000/- to the District Legal Services Authority, Vaishali at Hajipur for purchase of/installation of Sanitary Vending Machine for Civil Court Campus, Vaishali at Hajipur through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court 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 the like amount each in connection with Goraul P.S. Case No. 231 of 2024 to the satisfaction of learned Exclusive Special Excise Court No.1 cum Additional District and Sessions Judge, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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.

9. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Vaishali at Hajipur for his perusal and needful.

(Rajiv Roy, J)

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