

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68994 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- MIRGANJ District- Gopalganj

Prince Kumar @ Prince Kumar Ram @ Prince Ram, Male, aged about 22 years, Son of Shambhu Nath Ram Resident of Village - Dudahi, Kusoudhi Tola, P.S.- Mirganj, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Mirganj PS. Case No. 279 of 2025 dated 01-06-2025, instituted under Section 317(5) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act,2018 .

3.The allegation is of recovery of 11.160 litres of foreign liquor concealed under the seat and tank of the motorcycle bearing Registration No. BR 29AD-2705.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioner



or from his house. The petitioner has no concern whatsoever with the seized motorcycle. Further submission is that the petitioner was not apprehended at the spot. The petitioner has been implicated merely on the basis of a disclosure made by the local *chowkidar*. Lastly, it is submitted that there are three other criminal cases of a similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II Gopalganj/ successor Court Gopalganj, in Mirganj PS. Case No. 279 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors



will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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