

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69313 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- Excise P.S. District- Begusarai

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Gopal Kumar Mishra @ Keshav Mishra @ Gopal Mishra @ Keshav Mishra
Ganesh Mishra Resident of Aakopur, Ward no. 3 P.S. - Cheria Bariarpur, Dist.
-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha, Sr. Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-10-2025 Heard Mrs. Archana Sinha, learned Senior Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Begusarai Excise P.S. Case No. 279 of 2025 for the offence registered under sections 30(a) and 32(3) of Bihar Prohibition and Excise Act 2018.

3. As per the prosecution story, the informant alleged that on secret information, a white colour Bolero vehicle was intercepted and there is recovery/seizure of 598.615 liter foreign liquor. The person apprehended, Lalo Mahto gave the name of the petitioner that the material belongs to him. This led to the FIR.

4. The contention on behalf of the petitioner is that he is neither the owner nor the driver of the seized vehicle, only on the confession before the Police by the driver as also that he has



criminal antecedent, has been implicated. The submission is that he is ready to co-operate in the investigation/diligently appear in trial and if it is found that he is indulged in any further activity, the State shall be free to take steps for the cancellation of the bail bond, if the relief is granted in this case.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the person arrested, named him.

6. Considering the submissions of the parties as also the categorical statement that he neither owns the vehicle nor is the driver, his name has come in the Police confession, 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 Exclusive Special Judge-II, Begusarai in connection with Begusarai Excise P.S. Case No. 279 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 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 one year 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.

(Rajiv Roy, J)

Vijay Singh/-

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