

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70766 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- KANKARBAG District- Patna

Radha Mohan Banerjee S/o Bimal Banerjee R/o Flat no. Block C, 3rd Floor,
Near Shambhu Mandir, Tungri, Chaibasa, West Singhbhum, P.s.- Jhinkpani,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sukesh Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-10-2025 Heard Ms. Tanya Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Kankarbagh P.S. Case No. 115 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 02.02.2025 by the informant, Ramashankar Prasad.

3. As per the prosecution story, the informant alleged that on secret information, a Ford Endeavour car was checked and there is recovery/seizure of 121.650 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the car which was sold to *CARS24* and later moved to



Rahul Kumar who was arrested though she submits that the petitioner has criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Patna for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of Patna Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

5. Learned APP opposes the prayer submitting that not only this petitioner has criminal antecedent, the car also belongs to him.

6. Taking into account the submissions of the parties as also that the document shows that the petitioner earlier transferred the car, though has criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Patna for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever



is required) in the Civil Court Campus of Patna Judgeship as undertaken by the learned counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Patna.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Special Judge Excise Court-I, Patna Sadar in connection with Kankarbagh P.S. Case No. 115 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 six months to mark his



attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Patna for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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