

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69330 of 2025

Arising Out of PS. Case No.-320 Year-2025 Thana- Excise P.S. District- Begusarai

1. Manish Kumar S/o Arjun Das R/o Village- Baghibirdi Tola, Ward No. 11, P.S.- Lohiya Nagar, District- Begusarai
2. Sumit Kumar S/o Bhikhari Mahto R/o Village- Harak, Ward No. 12, P.S.- Singhaul, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Begusarai Excise P.S. Case No. 320 of 2025 for the offence registered under sections 30(a), 32(3) of the Bihar Prohibition & Excise Act, 2018.

3. As per the prosecution story, the Police on secret information, reached the Community Hall, two persons managed to escape. From the toilet of the Community Hall, there is recovery/seizure of 311.40 liter foreign liquor. As it was near the house of the two petitioners, the FIR against them.

4. Learned Counsel for the petitioners submit that a



perusal of the FIR would show that the recovery/seizure is from the toilet of the Community Hall, a place having access to everyone. Only because both have criminal antecedent, got implicated.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 10,000/- to the District Legal Services Authority, Begusarai 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 Begusarai Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that both have criminal antecedent and it was near the house of Manish Kumar.

7. Considering the submissions of the parties as also the recovery that is from the toilet of the Community Hall, nothing from their conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Begusarai 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 Begusarai Judgeship as undertaken by the petitioners through the learned counsel 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, Begusarai.

8. 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 Excise-II, Begusarai in connection with Begusarai Excise P.S. Case No. 320 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner(s) should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner(s) 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(s) 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(s) 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(s) 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.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Begusarai for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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