

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70603 of 2025

Arising Out of PS. Case No.-247 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Bigan Ansari Son of Late Khalil Ansari Resident of Village - Birawal, P.S. -
Vijaipur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-11-2025 The petitioner is in Judicial custody in connection with Vijaipur P.S. Case No. 247 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, lodged on 18.08.2023 by the informant, Bimlesh Kumar.

2. As per the prosecution story, the police intercepted a motorcycle and recovered/seized 20.800 litres of country-made liquor from the bag which was kept on a motorcycle having no registration number. The accused persons tried to escape but were apprehended. Accordingly the F.I.R.

3. Earlier, the petitioner's prayer for bail was allowed in Cr. Misc. 73001 of 2023 on 22.11.2023 (Annexure-P.2 to the petition) and he was supposed to appear/cooperate in the trial. As he failed to appear before the Trial Court, it got cancelled on 27.02.2025. He was arrested on 18.08.2025.



4. This time, as per the submission that he shall be diligently appearing in trial and failure to do so, no relief be extended to him beside cancelling the bail bond.

5. Last submission is that for the inconvenience caused to the Court, he shall be depositing Rs. 2000/- to the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer submitting that he has jumped the bail.

7. Considering the allegation, though this Court is not inclined to extend him the privilege of bail, he has jumped the bail, also has criminal antecedent, in view of the fact that he has undertaken to diligently appear in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs.2000/- to the Patna High Court Legal Services Committee.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned IVth Additional Sessions Judge-cum-Exclusive Special Judge,Excise Court-II, Gopalganj, in connection with Vijaipur P.S. Case No. 247 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative 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 six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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.

(Rajiv Roy, J)

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