

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71394 of 2025

Arising Out of PS. Case No.-330 Year-2025 Thana- MINAPUR District- Muzaffarpur

Mahesh Rai @ Mahesh Ray Son. Of late Udar Rai @ Ram Udar Rai @ Late Udar Ray R/O Vill. Raghapur @ Damodar pur P.S.- Minapur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Minapur P.S. Case No. 330 of 2025 for the offence under sections 317(5) of the BNS and 30(a) of the Bihar Prohibition and Excise Act lodged on 10.08.2025 by the informant, Ram Ekbal Prasad.

3. As per the prosecution story, the Police on secret information of unloading of liquor from a tractor, raided the place and from it, there is recovery/seizure of 1580 liters of spirit. The names that cropped up includes the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that he does not own the tractor, only because of criminal antecedents



of the same nature, got implicated and if granted relief, shall be diligently appearing in trial. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Muzaffarpur 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 Muzaffarpur 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 his name has cropped up.

6. Taking into account the submissions of the parties as also that the petitioner does not own the tractor, he is an old man of 75 years and 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. 15,000/- to the District Legal Services Authority, Muzaffarpur 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 Muzaffarpur 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, Muzaffarpur.

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 Exclusive Special Judge Excise, Court No. I, Muzaffarpur in connection with Minapur P.S. Case No. 330 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 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;

(iv) 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, Muzaffarpur for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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