

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76343 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- Rasalpur District- Bhagalpur

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Md. Magan @ Md. Mangan S/O late Md. Ramjani @Ramjani R/O Vill.-
Dhanoura, P.s.- Rasalpur, Dist.- Bhagalpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of recovery
of 180 litres of liquor from a car. It is next submitted that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and is not the owner of
the seized vehicle and he came to be implicated based on the
confessional statement of Saurabh Kumar in police custody which
doe not have any evidentiary value.

4. Learned A.P.P. opposes the anticipatory bail
application.

5. Considering the submissions made by the learned
counsel for the petitioner, the petitioner, above-named, in the event



of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Bhagalpur in connection with Rasalpur P.S. Case No.128 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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