

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83135 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- MAKER District- Saran

Mohan Prasad Son of Ganpat Bhagat Resident of Village- Pengwara, P.S.-
Panchrukhi, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-03-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Maker P.S. Case No. 229 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 02.09.2024 by the informant, Kailash Prasad.

3. As per the prosecution story, the informant alleged that during patrolling, four wheeler was intercepted, there is recovery/seizure of 138.240 liter of English liquor, those in the vehicle were arrested, the petitioner included.

4. Learned counsel for the petitioner submits that he was not present in the car nor anything has been recovered from his conscious possession, only because he owns the car, got implicated. Further, he has no criminal antecedent. The last submission is that without accepting the allegation and/or the



outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Saran at Chapra for the fixation of music system in the Judgeship of Saran at Chapra through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he owns the car.

6. Taking into account the aforesaid facts, nothing has been recovered from his conscious possession. FIR lodged, he shall be facing the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.15,000/- to the District Legal Services Authority, Saran at Chapra for the fixation of music system in the Judgeship of Saran at Chapra through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Saran at Chapra.

7. 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 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Maker P.S. Case No. 229 of 2024 subject to condition as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 attendance;

(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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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