

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1313 of 2025

Arising Out of PS. Case No.-366 Year-2024 Thana- MAHNAR District- Vaishali

Bokash Rai @ Shivnath Rai @ Bhokash Rai S/O Ram Prasad Rai Resident Of
Village - Murauwatapur, P.S- Desari, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the State	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahnar P.S. Case No. 366 of 2024 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 17.10.2024 by the informant, Vishwaranjan Singh.

3. As per the prosecution story, the informant alleged that in course of vehicle checking, one Kia Car was intercepted and recovered/seized 535 liters of beer from the vehicle which led to the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, he is neither the owner nor the driver of the Kia vehicle, is a farmer but was at the wrong place



and nothing has been recovered from his conscious possession and his name has come in course of investigation, shall be diligently appearing in trial and appearing before the concerned Police Station every month. The last submission is that he intends to contribute Rs.20,000/- to the District Legal Services Authority, Vaishali at Hajipur for the purchase of flower pots for the Civil Court Campus of Vaishali Judgeship at Hajipur through Demand Draft issued by the local branch of State Bank of India.

5. Learned APP opposes the prayer for bail submitting that his name has come in course of investigation.

6. Considering the aforesaid facts as also that he do not have criminal antecedent, nothing has been recovered from his conscious possession nor he owns the vehicle, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Vaishali at Hajipur for the purchase of flower pots with saplings for the Civil Court Campus, Vaishali Judgeship at Hajipur and the receipt has to be submitted before the Trial Court.

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 Excise Court No.-II-cum-Additional Sessions Judge, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 366 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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/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 appear before the concerned police station every fortnight for next six months to mark his 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 bail bonds.

8. Let a copy of the order be communicated to the Principal District and Sessions Judge, Vaishali at Hajipur for his perusal and needful.

(Rajiv Roy, J)

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