

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69473 of 2022**

Arising Out of PS. Case No.-255 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

=====

SINTU KUMAR S/O Rajkishor Prasad R/O Village- Hilsa, P.S- Hilsa,  
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Sushen Kumar Keshri, Advocate  
For the Opposite Party/s : Mr.Rabindra Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-12-2022                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case  
registered for the offences punishable under Sections  
30(a),32,56(c) of Bihar Prohibition and Excise Act.

Recovery is of 3035.480 liters of English Wine.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent. He has falsely been  
implicated in the present case. Further submits that the  
recovery has been made from the house in question and not  
from petitioner's possession. Petitioner is not the owner of the  
house in question. Petitioner has no concern at all with the  
alleged recovery of illicit liquor. Therefore, the recovery



cannot be attributed to the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

This Court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav Vs. State of Bihar** reported in **2019 (2) PLJR 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of Counsel for the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and he has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be



released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No. 2726 of 2022, arising out of Excise Case No.255 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of  
verification.

**(Rajesh Kumar Verma, J)**

Nitesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

