

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60105 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- DAUDPUR District- Saran

RAVI RAM @ RAVI KUMAR RAM SON OF SUDARSHAN RAM
VILLAGE MADANSATH POLICE STATION DAUDPUR DISTRICT
SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-10-2023 Heard Mr. Bishwajeet Singh, learned counsel for
the petitioner and Mr. Sanjay Kumar Sharma, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Daudpur P.S. Case No. 222 of 2023, FIR dated
05.07.2023, registered for the offences punishable under Section
30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 45 litres of illicit liquor.

4. Learned counsel for the petitioner has submitted
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that from
perusal of the FIR as well as the seizure list, it appears that
nothing has been recovered from the conscious possession of



the petitioner, rather recovery has been made from back side of house of the petitioner on the basis of disclosure made by co-accused. The petitioner has no concern, at all, with the alleged recovery. 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.

5. Learned APP 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.

6. 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 learned counsel for the petitioner.

7. Considering that the petitioner has no concern, at all, with the alleged recovery and he has clean antecedent, let the above-named petitioner, in the event of his arrest or



surrender within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Exclusive Special Judge-I, Excise, Saran in connection with Daudpur P.S. Case No. 222 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iii) 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)

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