

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62479 of 2023**

Arising Out of PS. Case No.-404 Year-2023 Thana- RAJAOLI District- Nawada

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RANJEET RAJBANSHI @ RANJEET RAJWANSHI, Son Of Suresh  
Rajbanshi Residnet Of Village - Takuatand Dewdi,, Ps- Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Birendra Kumar, Advocate  
For the State : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      16-10-2023                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor (for brevity 'APP') appearing for  
  
the State of Bihar.

2. The petitioner is apprehending his arrest in connection with Rajauli P.S. Case No. 404 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is recovery of 20 liters country made liquor from behind the petitioner's house which he has allegedly thrown.

4. Learned counsel for the petitioner submits that even as per prosecution, recovery is from behind the petitioner's house and criminal liability for such recovery cannot be attributed to the petitioner. He has become victim of the



circumstances, having no antecedents.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. This Court is conscious of 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 said judgment and upon consideration of the rival submissions, the allegations as per FIR, recovery from behind the petitioner's house, as well as his clean antecedents, this court is satisfied that conditions for grant of anticipatory bail exists. This Court, therefore, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Exclusive Special Excise Judge- II<sup>nd</sup>, Nawada, in connection



with Rajauli P. S. Case No. 404 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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