

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74227 of 2023

Arising Out of PS. Case No.-416 Year-2023 Thana- Excise P.S. District- Kaimur (Bhabua)

Ambika Panwar @ Ambika W/O Manoj Panwar R/O- G-83/B3, First Floor
Front Side, Kiran Garden Extension, Uttam Nagar, West Delhi, Delhi-110059

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Noushad Khan, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Noushad Khan, learned counsel for the

petitioner and Mr. Pronoti Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kaimur Excise P.S. Case No. 416 of 2023, F.I.R
dated 29.06.2023 registered for the offences punishable under
Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.

3. Recovery is of 408.980 liters of illicit liquor
from a car.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and has falsely been
implicated in the present case merely on the ground that the
petitioner is owner of the vehicle in question. He further submits
that the petitioner has given the said vehicle in question to



Jagpal Singh who has given the said vehicle to one Sandeep Gupta who along with illicit liquor was arrested. He further submits that petitioner has no concern at all with alleged recovery of the illicit liquor. 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. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory 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) P.L.J.R. 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.

7. Considering the aforesaid facts, the petitioner has been made accused only on the ground that he is the owner of the vehicle in question and the petitioner 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 the learned Additional Session Judge 7th Cum Special Judge, Excise (II), Kaimur at Bhabua in connection with Kaimur Excise P.S. Case No. 416 of 2023, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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 antecedent, 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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