

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81354 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- DAUDPUR District- Saran

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Aashu Singh @ Bagh Singh @ Aashu Kumar Singh @ Anshu Singh @
Aanshu Kumar Singh Son of Om Prakash Singh Resident of Village -Sadhpur
Chhattar PS- Daudpur District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr.Rajesh Roy, learned counsel for the

petitioner and Mr.Parmanand Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Daudpur P.S.Case No.129 of 2024,FIR dated
03.06.2024 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 1010 liters of English Wine.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case and it appears from the FIR itself
that nothing has been recovered from conscious possession of
the petitioner and petitioner has been made accused in the



present case merely on the basis of suspicion. Learned counsel for the petitioner further submits that the petitioner is neither the driver nor the owner of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and similarly situated co-accused persons, namely, Golu Singh @ Brajesh Kumar Singh and Manoranjan Singh @ Manranjan Kumar Singh have been granted privilege of anticipatory bail by this Hon'ble Court vide orders dated 11.09.2024 and 27.09.2024 passed in Cr. Misc. Nos.60057 of 2024 and 60175 of 2024. 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 petitioners under the Bihar Prohibition and Excise Act.

5. 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.

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 Counsel for the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner, name of the petitioner has been transpired during investigation on the basis of the secret information and similarly situated co-accused persons have been granted privilege of anticipatory bail by this Hon'ble Court, 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 1st Special Judge, Excise, Saran at Chapra in connection with Daudpur P.S.Case No.129 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient



reason, his/her 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 bail.

(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/her 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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