

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3504 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- Excise P.S. District- Sheohar

Raju Singh @ Raju Kumar Singh S/o Jyoti Narayan Singh, Resident of Vill.-
Bhathan, P.S- Sheyampur Bhathan, District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Ansiur Rahman, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Md. Ansiur Rahman, the learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sheohar Excise PS Case No. 229 of 2024, FIR
dated 22.10.2024, registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 17.250 litres of illegal foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case and the allegation levelled in the
FIR is false and fabricated and the petitioner has not committed
any offence as alleged in the FIR. He further submits that
according to the FIR and seizure list, nothing has been



recovered from the conscious possession of the petitioner, rather recovery has been made from the forest area near the house of the petitioner on the basis of disclosure made by independent witness namely, Nirbhay Kumar Singh. He further submits that in fact, nephew of the petitioner namely, Ravi Kumar Singh has filed Sheyampur Bathan PS Case No. 179 of 2022 against Nirbhay Kumar Singh and due to this reason, Nirbhay Kumar Singh has falsely implicated the petitioner in the present occurrence. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. / Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor for the State on the other hand 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 and circumstances and mainly the facts that petitioner has clean antecedent and nothing has been recovered from conscious possession of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 Judge (Excise), Sheohar, where the case is pending in connection with **Sheohar Excise PS Case No. 229 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:-

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



be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court shall take steps 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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