

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5608 of 2025**

Arising Out of PS. Case No.-160 Year-2024 Thana- KUTUMBA District- Aurangabad

Lalit Kumar S/O Doman Singh Resident of Village- Kanchanpur, P.O and P.S-  
Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      15-02-2025                      Heard Mr.Binod Kumar Pandey, learned counsel for  
the petitioner and Mr.Brajendra Nath Pandey, learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Kutumba P.S.Case No.160 of 2024,FIR dated  
18.09.2024 registered for the offences punishable under Section  
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 60 liters of country made liquor.

4. Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case merely  
on the ground that the petitioner is owner of the motorcycle in  
question. Learned counsel for the petitioner submits that in fact  
the motorcycle in question taken by the co-accused person who  
was apprehended alongwith illicit liquor at the place of



occurrence and petitioner has no concern at all with the alleged recovery of illicit liquor. 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 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. Further submits that the recovery has been made from the motorcycle in question of the petitioner and apart from that, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

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, 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 Special Judge, Excise Court No.01, Aurangabad in connection with Kutumba P.S.Case No.160 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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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