

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3890 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- JANTA BAZAR District- Saran

Bagha Nut @ Bagha Nat son of Tuiya Nut Tuiya Nat village - Dayalpur, P. S -
Janta Bazar, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Hemant Kumar, learned counsel for the

petitioner and Ms. Anita Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Janta Bazar P.S. Case No. 257 of 2024, F.I.R. dated
24.11.2024 registered for the offences punishable under Section
30(a) of the Bihar Prohibition & Excise Amendment Act.

3. Recovery is of 15 liters of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case due to previous criminal antecedent of similar
nature of the petitioner. He further submits that it appears from
the F.I.R. as well as seizure list that nothing has been recovered
from the conscious possession of the petitioner rather recovery



has been made from the road side of the house of the petitioner and there is non-compliance of Section 100 of Cr. P.C./ Section 103 of BNSS, 2023. He further submits that the seizure list witness is a choukidar. 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. He further submits that the petitioner carries two more cases of similar nature other than the present one.

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 that 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 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 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Janta Bazar PS. Case No. 257 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:-

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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