

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8661 of 2025

Arising Out of PS. Case No.-1194 Year-2021 Thana- NAWADA District- Nawada

Bablu Kumar Son of Kesho Prasad Resident of Mohalla - Garhper, P.S.-
Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Mr. Rajesh Kumar Sinha, learned counsel for
the petitioner and Mr. Aditya Narayan Singh.1, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Nawada Town P.S. Case No. 1194 of 2021,
F.I.R dated 06.11.2021 registered for the offences punishable
under Sections 30(a) & 37(B) of Bihar Prohibition and Excise
(Amendment) Act, 2016.

3. Recovery is of 500 ML of Mahua liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation on the basis



of the fact that he is owner of the vehicle in question. He further submits that it appears from the F.I.R that altogether 500 ML of Mahua liquor has been recovered from the vehicle in question. He further submits that the petitioner has already transferred the vehicle in question to one Premraj @ Sonu Kumar long back on 07.01.2021 itself (Annexure-2). There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. 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 that the petitioner has clean antecedent, he has been made accused only on the ground that he is owner of the vehicle in question but in fact, the petitioner has already transferred the vehicle to one Premraj @ Sonu Kumar on 07.01.2021, 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 Exclusive Special Excise Court No. 1, Nawada in connection with Nawada Town P.S. Case No. 1194 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 absence on two consecutive dates without sufficient reason, his 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 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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