

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13945 of 2025

Arising Out of PS. Case No.-250 Year-2024 Thana- BELA District- Sitamarhi

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Pramod Kumar Son of Shatrudhan Mandal Resident of Sirsiya Bazar, Ward
No.15, P.S.- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2025 Heard Mr.Krishna Kant Singh, learned counsel for

the petitioner and Mr.Ram Sumiran Rai, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bela P.S.Case No.250 of 2024,FIR dated
20.11.2024 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 540 liters of Nepali liquor liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. It appears from the FIR that even
the local Chaukidar has not disclosed the name of the petitioner
and it appears from the FIR itself that nothing has been
recovered from conscious possession of the petitioner rather the



recovery has been made from the Scorpio in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Sakil Ansari and co-accused persons, namely, Chandan Rai and Bipin Chaurasiya have been granted privilege of anticipatory bail by this Court vide order dated 14.02.2025 passed in Cr. Misc. No.7275 of 2025. 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. 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, petitioner is not named in the FIR, name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person 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 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 Exclusive Special Excise Judge-I, Sitamarhi in connection with Bela P.S.Case No.250 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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