

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15303 of 2025

Arising Out of PS. Case No.-390 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Maharana Pratap Ram Son of Lalmohar Ram R/O Vill- Gorar, P.S.-
Durgawati, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2025 Heard Mr. Vinod Kumar Seth, learned counsel for
the petitioner and Mr. Chandra Bhushan Prasad, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Durgawati P.S. Case No. 390 of 2024, F.I.R. dated
17.12.2024 registered for the offences punishable under Section
30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. Recovery is of 48.96 liters of *Foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. Initially, 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 confessional statement of co-
accused Vishun Kumar Paswan. He further submits that it



appears from the F.I.R. as well as seizure list that nothing has been recovered from the possession of the petitioner rather recovery has been made from the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. Therefore, the recovery cannot be attributed to the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr. P.C. 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 but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending matters.

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 the fact that nothing has been recovered from conscious possession of the the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by co-accused person namely Vishun Kumar Paswan, 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 Excise-II, Kaimur at Bhabhua in connection with Durgawati PS. Case No. 390 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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