

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17830 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- BIHPUR District- Bhagalpur

Munna singh @ Munna Kumar Son of Sridhari Singh Resident of Village-
Hario, P.S.- Bihpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-07-2025 Heard Mr. Baijnath Sah, learned counsel for the

petitioner and Mr. Akbar Ali, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bihpur P.S. Case No. 5798010240291 (291) of
2024, F.I.R. dated 27.09.2024 for the offences punishable under
Sections 30 (a) (c) of the Bihar Prohibition and Excise
Amendment Act 2022.

3. Recovery is of 03 liters of country made wine.

4. Learned counsel for the petitioner submits that
it appears from the F.I.R and seizure list that nothing has been
recovered from the conscious possession of the petitioner rather
the recovery has been made from the joint house property of the
petitioner and it also appears from the F.I.R. that total 3 litres of



country made wine was recovered from the house in question.

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 and submits that illicit liquor including three bucket, two gas oven with regulator, small drum of 40 litres, two aluminum pots, one steel apparatus, one plastic pipe and one gas cylinder were recovered from the house in question and the petitioner has fled away from the house in question and apart from that the petitioner carries one case other than the present one but fairly submits that the petitioner is on bail in the pending matter.

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, nothing has been recovered from conscious possession of the petitioner rather the



recovery has been made from the joint house property of the petitioner and the petitioner is not the exclusive owner of the house in question, 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 (ADF-IX-cum-Special Judge Excise-I) Additional Sessions Judge-IX, Bhagalpur in connection with Bihpur P.S. Case No. 5798010240291 (291) of 2024, 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, 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 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)

Jyoti Kumari/-

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