

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18867 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- Excise Thana Hajipur District- Vaishali

Lalu Rai @ Lalu Kumar S/o- Ramjanam Rai Village- Daudnagar Ps- Bidupur
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2025 Heard Ms. Kahkashan Alam, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Excise P.S. Case No. 50 of 2025, F.I.R dated 15.02.2025 registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Amendment Act, 2022

3. Recovery is of mahua liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R and the seizure list



that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and the petitioner has no concerned with alleged recovery from the vehicle in question and he has been made accused on the basis of the disclosure made by the local people and except the aforesaid no other cogent material has come during the investigation which suggests the involvement of the petitioner in the present occurrence.

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.

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 and the



petitioner has clean antecedent. The recovery has been made from the vehicle in question and he has been made accused on the basis of the disclosure made by local people, 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 Speical Judge Excise Court No. II-cum-Aditonal District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 50 of 2025, 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)

Jyoti Kumari/-

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