

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20344 of 2025

Arising Out of PS. Case No.-20 Year-2023 Thana- EKANGARSARAI District- Nalanda

Santu Kumar @ Vikash @ Ankit S/o- Late Rambali Yadav Resident Of
Village- Machra Bigha, Bandhua Ganj, Ps- Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Neeraj, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2025 Heard Mr. Nityanand Neeraj, learned counsel for the

petitioner and Mrs. Shaheen Begum, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ekangar Sarai P.S. Case No. 20 of 2023, F.I.R dated 28.01.2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act as well as Sections 468 and 34 of the Indian Penal Code.

3. Recovery is of 133.5 liters of English liquor.

4. Learned counsel for the petitioner submits that the petitioner 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 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 name of the petitioner has been transpired on the basis of secret information furnished by the Excise Department, which also suggests that nothing has recovered from the conscious possession of the petitioner and the similarly situated co-accused person, namely, Santosh Kumar and Sunil Kumar have granted the privilege of anticipatory bail vide order dated 07.10.2023 in Cr. Misc. No. 61207 of 2023 by a Co-ordinate Bench of this Court.

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 the petitioner carries three cases other than the present one but fairly submits that on the basis of Paragraph 3 of the bail 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, nothing has been recovered from conscious possession of the petitioner, name of the petitioner has been transpired on the basis of secret information furnished by the Excise Department and the similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court, 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 Addl. Dist & Sessions Judge-V-cum-Special Judge Excise, Bihar Sharif, Nalanda in connection with Ekangar Sarai P.S. Case No. 20 of 2023, 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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