

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26362 of 2025**

Arising Out of PS. Case No.-64 Year-2025 Thana- DANAPUR District- Patna

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Vishal Kumar Son of Dinesh Prasad village- New Mainpura Ps- Danapur,  
Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-05-2025                      Heard Mr. Helal Ahmad, learned counsel for the  
  
petitioner and Mr. Tarkeshwar Nath Thakur, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Danapur P.S. Case No. 64 of 2025, F.I.R. dated  
22.01.2025 registered for the offences punishable under Section  
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 17.01 liters of 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 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 altogether 17.01 litres of illicit liquor was recovered from the vehicle in question. He further submits that the name of the petitioner has been transpired on the ground that he is owner of the vehicle in question (motorcycle).

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, the petitioner has clean antecedent and the name of the petitioner has been transpired on the ground that he is owner of the vehicle in question (motorcycle), 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 Special Excise Judge, Danaput, Patna in connection with Danapur P.S. Case No. 64 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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