

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31344 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- PATKHAULI District- West Champaran

Jitendra Gond S/o Late Tulsi Gond R/o Village- Ward No. 16, Goeti, P.S.-
Patkhauri, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2025 Heard Mr. Umesh Kumar Gupta, learned counsel for
the petitioner and Mrs. Veena Kumari Jaiswal, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Patkhauri P.S. Case No. 75 of 2025, F.I.R dated
29.03.2025 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 14 liters of country made foreign
liquor.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case
merely on the ground that the petitioner is owner of the
motorcycle in question. 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 the recovery has been made from the motorcycle in question and in fact, the petitioner had given the motorcycle in question to his cousin brother and the motorcycle was apprehended by the police and the said recovery has been made from the motorcylce 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 the petitioner carries two cases other than the present one but fairly submits 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 and



nothing has been recovered from the conscious possession of the petitioner and the petitioner has been made accused merely on the ground that he is owner of the motorcycle 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 Special Judge, Excise, Bagha, West Champaran, in connection with Patkhauri P.S. Case No. 75 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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