

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31329 of 2025**

Arising Out of PS. Case No.-70 Year-2025 Thana- GOGRI District- Khagaria

VIjay Yadav S/o Ghoko Yadav R/o Village- Usri, P.S.- Gogari, District-  
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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

2      15-05-2025                      Heard Mr. Ranjeet Kumar Singh, learned counsel  
for the petitioner and Mr. Braj Kishore, learned Additional  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Gogari P.S. Case No. 70 of 2025, F.I.R dated  
19.03.2025 registered for the offences punishable under Section  
30(a) and 30(d) of Bihar Prohibition and Excise Act.

3. Recovery is of 10 liters of country made wine,  
gas cylinder and one burner.

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 the petitioner carries one  
case other than the present one but fairly submits that the



petitioner is on bail in the pending matter. 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 and as per seizure list there is altogether 10 litres of country made wine, gas cylinder and one burner have been recovered from the maize field of the petitioner. As per allegation as per F.I.R., the petitioner had escaped from the place of occurrence and the name of the petitioner has been transpired on the basis of secret information.

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 recovery has been made from a maize field which is an open place, 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 Special Excise Judge-1st, Khagaria, in connection with Gogari P.S. Case No. 70 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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