

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31240 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Jai Bhagwan Saini @ Jai Bhagwan Singh S/O Ram Kishan Saini Resident of
Village- Jasar Sultan Nagar, P.S.- Sarupur, Khurd, Meerut, District- Uttar
Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2025 Heard Mr.Satish Chandra, learned counsel for the

petitioner and Mr.Md. Nazir Ansari,learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khodawandpur (Chhaurahi) P.S.Case No.21 of
2024, FIR dated 11.02.2024 registered for the offences
punishable under Sections 468,467,120(B)/34 of IPC and
Sections 30(a),32(1) (2),41(1) of Bihar Prohibition and Excise
Act, 2018.

3. Recovery is of 1516.320 liters of illicit 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 Truck in question. Learned counsel for the petitioner submits that in fact the petitioner has sold the Truck in question to one Sanjay Son of Baru Ram on 16.01.2024 and the present FIR has been instituted on 11.02.2024 which suggests that on the date of occurrence, the petitioner was not the owner of the Truck in question. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for 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. Further submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

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) PLJR 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, 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 learned Exclusive Special Judge-1, Begusarai in connection with Khodawandpur (Chhaurahi) P.S.Case No.21 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) One of the bailors should be the close family member of the petitioner.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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/her 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)

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