

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31337 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- MATIHANI District- Begusarai

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Roushan Kumar S/o Late Gopal Kumar R/o Village- Maniyappa, P.S.-
Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2025 Heard Mr. Yogesh Kumar, learned counsel for the

petitioner and Mr. Suresh Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Maithani P.S. Case No. 46 of 2025, F.I.R dated
09.03.2025 registered for the offences punishable under
Sections 30(a), 30(c) and 36 of Bihar Prohibition and Excise
Act.

3. Recovery is of 12 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R that nothing has
been recovered from the conscious possession of the petitioner
rather the recovery has been made from the abandoned ancestral



poultry farm of the petitioner, which is an open place and as per the allegation in the F.I.R., the police has recovered total 12 litres of foreign liquor and also 107 empty bottles of foreign liquor and as per the allegation the petitioner had fled away from the place of occurrence. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

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 one case other than the present one but fairly submits that the petitioner is on police bail in the pending matter.

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 petitioner has been made accused merely on the ground that he is the owner of the poultry farm 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 Exclusive Special Excise Judge-I, Begusarai, in connection with Maithani P.S. Case No. 46 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)

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