

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33525 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- MAHUA District- Vaishali

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Anil Kumar S/O Bipat Rai @ Gopjee Resident of village- Mahua Singh Rai
@ Mahua Ram Rai, P.S.- Mahua ,Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Anish Kumar, learned counsel for the

petitioner and Ms. Shaheen Begum, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahua P.S. Case No. 339 of 2025, F.I.R dated
13.03.2025 registered for the offences punishable under Section
132 of the BNS and Section 30(a) of Bihar Prohibition and
Excise Act.

3. Recovery is of 30.06 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case on
the basis of the disclosure made by the apprehended co-accused
person, namely, Rinku Rai and except the aforesaid, no other
cogent material has come during investigation which suggests



the involvement of the petitioner in the present occurrence. 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 allegation in the F.I.R. the petitioner escaped from the place of occurrence.

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 the name of the petitioner has been transpired on the basis of



disclosure made by the co-accused person, 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 Court No. II-cum-District and Additional Sessions Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 339 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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