

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34962 of 2025

Arising Out of PS. Case No.-314 Year-2023 Thana- KATEYA District- Gopalganj

Lalan Ram S/o Late Janki Ram Resident of Vill.- Ramchandarpur, P.S.-
Thawe, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Naresh Prasad, learned counsel for the

petitioner and Mr. Satyendra Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kateya P.S. Case No. 314 of 2023, F.I.R dated
10.07.2023 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 808 liters of country made liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R as well as seizure list that altogether 828 liters of
country made liquor has been recovered from the Scorpio
vehicles bearing Registration No. BR29X-6379 and Registration



No. BR1AA111 and petitioner is the owner of the vehicle bearing Registration No. BR29X-6379 and from his vehicle 270 liters of liquor was recovered and son of the petitioner namely, Suraj Kumar was apprehended along with liquor and the vehicle in question. He further submits that the name of the petitioner has been transpired merely on the ground that the petitioner is the owner of the vehicle in question and he has no concern at all from the alleged recovery of the illicit liquor. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

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 that nothing has been recovered from conscious possession of the petitioner, he has been made accused only on the ground that he is owner of the vehicle in question and the petitioner has clean antecedent, 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 Additional Sessions Judge-XIII-cum-Special Judge Excise-1, Gopalganj, District Gopalganj in connection with Kateya P.S. Case No. 314 of 2023, 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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