

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35780 of 2025**

Arising Out of PS. Case No.-115 Year-2025 Thana- DIDARGANJ District- Patna

Sonma Kumar @ Sonu Kumar @ Sone Lal S/o Tunna Rai R/o Village-  
Didarganj, Ward No 72, PS.- Didarganj, Distt. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

2      18-06-2025                      Heard Mr. Jay Ram Prasad, learned counsel for the  
  
petitioner and Mr. Ramchandar Sahni, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Didarganj P.S. Case No. 115 of 2025, F.I.R  
dated 09.04.2025 registered for the offences punishable under  
Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 120 liters of country made liquor.

4. Learned counsel for the petitioner submits that  
the that it appears from the F.I.R and seizure list that nothing has  
been recovered from the conscious possession of the petitioner  
rather the recovery has been made from the CNG Tempo and the  
petitioner is neither the owner nor the driver of the CNG Tempo.  
He further submits that the petitioner has been made accused on



the basis of the disclosure made by local people. He further submits that it appears from the F.I.R. that altogether 120 litres of country made liquor was recovered from the CNG Tempo and the local people disclosed that the petitioner had 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 one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on 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 he



has been made accused on the basis of disclosure made by the local people, 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 Special Judge Excise, Patna City in connection with Didarganj P.S. Case No. 115 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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