

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35750 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- DEEPNAGAR District- Nalanda

Suraj Kumar S/o Anoj Prasad @ Anoj Mahto R/o Village- Ganga Bigha, P.S.-
Deepnagar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-06-2025 Heard Mr. Pramod Kumar Sinha, learned counsel for
the petitioner and Ms. Sharda Kumari, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Deepnagar P.S. Case No. 139 of 2025, F.I.R dated 13.04.2025
registered for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. Recovery is of 461.875 liters 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 the allegation as
alleged in the F.I.R is false and fabricated. 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 abundant house of the petitioner and the petitioner has no concerned with alleged recovery of illicit liquor.

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, nothing has been recovered from conscious possession of the petitioner 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-V-cum-Special Judge Excise-I, Nalanda at Biharsharif in connection with



Deepnagar P.S. Case No. 139 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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