

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40051 of 2025**

Arising Out of PS. Case No.-15 Year-2025 Thana- KIUL District- Lakhisarai

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Kunal Kumar @ Bhotha S/O Late Ajay Paswan R/O Vill.- Brindawan, P.s.-  
Kiul, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

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

2      03-07-2025                      Heard Mr. Amarendar Kumar, learned counsel for  
  
the petitioner and Mr. Zainul Abedin, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Kiul P.S. Case No. 15 of 2025, F.I.R dated  
02.03.2025 registered for the offences punishable under Section  
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 15 liters of local mahua liquor.

4. Learned counsel for the petitioner submits that  
the petitioner is innocnet antecedent and has falsely been  
implicated in the present case on the basis of disclosure made by  
the local people. 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 and seizure list that nothing has



been recovered from the conscious possession of the petitioner rather the recovery has been made from the Community Hall, Mushari Tola in a plastic bag and as per allegation in the F.I.R., the petitioner has fled away 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 case 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 the name of the petitioner has been transpired 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 District & Sessions-VII-cum-Special Judge (Excise)-II, Lakhisarai, in connection with Kiul P.S. Case No. 15 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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