

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38222 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- Excise P.S. District- Aurangabad

Sonu Kumar S/o Vinay Chaudhary Resident of vill-Koilwan Karan Bigha PS-
Haspura Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Mr. Adarsh Singh, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Aurangabad P.S. Case No. 140 of 2025, F.I.R dated 24.04.2025 registered for the offences punishable under Sections 30(a) and 32(30) of Bihar Prohibition and Excise Act.

3. Recovery is of 126 liters of Chulai liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case on the basis that the petitioner is the driver of the tempo in question. 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 tempo in question and altogether 126 litres of the illicit Chulai liquor were recovered from the tempo in question and the petitioner is not the owner of the tempo in question.

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 rather the recovery has been made from the tempo 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 Exclusive Special Judge, Excise Court No.-II, Aurangabad in connection with Aurangabad P.S. Case No. 140 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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