

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38283 of 2025**

Arising Out of PS. Case No.-273 Year-2025 Thana- ARA NAGAR District- Bhojpur

Bharat Ram @ Bharat Dom S/o Rajendra Kumar R/o Mohalla- Ambedkar
Colony, Sapana Cinema Road, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

2 23-06-2025 Heard Mr. Akash Kumar Mishra, learned counsel for
the petitioner and Mr. Raj Kishor Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Ara Town P.S. Case No. 273 of 2025, F.I.R. dated
27.04.2025 registered for the offences punishable under Section
30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. Recovery is of 240 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 the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.
He further submits that it appears from the F.I.R. as well as



seizure list that nothing has been recovered from the conscious possession of the petitioner and altogether 240 litres of country made liquor was recovered from the Government house and as per allegation in the F.I.R. that after seeing the police the petitioner fled away from the place of occurrence. He further submits that the petitioner has been falsely implicated in the present case due to ulterior motive. Therefore, the recovery cannot be attributed to the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr. P.C./ Section 103 of BNSS, 2023 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 and the fact that the petitioner having clean antecedent and nothing has been recovered from conscious possession of the petitioner and the recovery has been made from the Government house, 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 learned Exclusive Special Judge Excise Court No.-1, Bhojpur, Ara in connection with Ara Town PS. Case No. 273 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

1. 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.

2. 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.

3. 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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