

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40522 of 2025

Arising Out of PS. Case No.-576 Year-2023 Thana- SUPAUL District- Supaul

Vijay Yadav @ Vijay Kumar Yadav S/O Parmeshwar Yadav Resident Of
Village - Narhaiya, Ward No. 11, Police Station And Dist. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2025 Heard Mr. Arun, learned counsel for the petitioner
and Ms. Meena Singh, learned Additional Public Prosecutor for
the State.

2. The petitioner is apprehending his arrest in
connection with Supaul P.S.Case No.576 of 2023, FIR dated
10.07.2023 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 30 liters of illicit liquor.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner further submits that, as per
the allegation in the F.I.R., one person had fled away from the
place of occurrence and he had thrown the bag, which was
recovered by the police and 30 litres of illicit country made



liquor was recovered. The name of the petitioner has been transpired in the present case merely on the basis of disclosure made by the local people. Further submits that the allegation, as alleged in the FIR, is false and fabricated and the petitioner has no concern at all with the alleged recovery of illicit liquor and except the disclosure made by the local people, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for 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. Further submits that petitioner has one criminal antecedent of similar nature other than the present case, but fairly submits that he 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) PLJR 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 merely 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 learned Exclusive Special Judge, Excise Court No.1, Supaul in connection with Supaul P.S.Case No.576 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/under Section 482(2) of the B.N.S.S., 2023 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/her absence on two consecutive dates without sufficient



reason, his/her 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/her 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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