

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48342 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- SAHARGHAT District- Madhubani

Ranjeet Rai Son of Bhagirath Rai @ Bhagirath Ray Resident of village -
Sajhuar, Police Station - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and Mr. Navin Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Saharghat P.S. Case No. 32 of 2025(G.R. No. 484 of 2025), F.I.R dated 08.04.2025 registered for the offences punishable under Sections 274/275/317(5)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 360 liters of Nepali country made liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and 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 and seizure list that nothing has been recovered from the conscious possession of the petitioner. Altogether 360 litres of country made liquor has been recovered from a tempo in question and petitioner is made accused in the present case only on the ground that he is the registered owner of the vehicle in question. He further submits that, in fact, the petitioner has already sold the auto in question to one Ravindra Kumar Yadav on 18.08.2021 and the present FIR has been instituted on 08.04.2025. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. 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. He further submits that from a bare perusal of Annexure-II, it suggest that the petitioner has not mention the date on the transfer paper.

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 Exclusive Special Judge (Excise Act), Madhubani in connection with Saharghat P.S. Case No. 32 of 2025(G.R. No. 484 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.

8. Learned Court is directed to verify the genuineness of the sale deed dated 18.08.2021 which suggest that the petitioner has sold the auto in question to one Ravindra Kumar Yadav.

(Rajesh Kumar Verma, J)

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