

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45346 of 2025**

Arising Out of PS. Case No.-65 Year-2025 Thana- RAGHOPUR District- Vaishali

Suraj Rai @ Suraj Kumar S/O Bishun Rai Resident of Kilapar Malsalami,  
Distt.- Patna. Present Address- Village- Sukumarpur, Police Station-  
Rustampur, Distt.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Ms. Sweety Sinha, Advocate<br>Mr. Manoj Kumar, Advocate |
| For the State        | : | Mr. Anil Kumar, APP                                     |

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

2      18-07-2025                      Heard Ms. Sweety Sinha, learned counsel for the  
  
petitioner and Mr. Anil Kumar, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Raghapur P.S. Case No. 65 of 2025, F.I.R dated  
15.03.2025 registered for the offences punishable under  
Sections 274, 275, 317(5) of the BNS and 30(a) of Bihar  
Prohibition and Excise (Amendment) Act, 2022.

3. Altogether, 48 liters of country made liquor and  
one motorcycle was recovered from the place of occurrence and  
the petitioner and the other co-accused persons fled away from  
the place of occurrence

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and has falsely been implicated in the present case. It is further submitted that from a bare perusal of the FIR, it appears that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by local chowkidar. 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.

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, the petitioner has clean antecedent and name of the petitioner has been transpired on the basis of the disclosure made by local chowkidar, 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 Excise Court No.2-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 65 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)**

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