

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48039 of 2025

Arising Out of PS. Case No.-282 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Lalu @ Dhirendra @ Ravindra Mahto son of Sushil Mahto Village- Tehta,
Near Pashu Chikitshalya PS -Makhudumpur Tehta Distt -Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrish Anurag, Advocate
For the State : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Shrish Anurag, learned counsel for the

petitioner and Mr. Md. Matloob Rab, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Makhdumpur P.S. Case No. 282 of 2025, F.I.R. dated
26.04.2025 registered for the offences punishable under Section
30(a) of the Excise and Prohibition (Amendment) Act, 2022.

3. Recovery is of 45.750 liters of English liquor as
well as *beer*.

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 it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather



recovery has been made from the maize field which was situated near the house of the petitioner and altogether 45.750 litres of English liquor as well as beer were recovered from the place of occurrence. He further submits that the petitioner has been made accused on the basis of information furnished by the local residents and the allegation against the petitioner is that he fled away from the place of occurrence. 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. He further submits that the petitioner is named in the F.I.R. and he fled away from the place of occurrence.

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 the petitioner having clean antecedent nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of information furnished by the local residents , 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 Special Excise Court-I, Jehanabad in connection with Makhdumpur PS. Case No. 282 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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