

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47978 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- SIGAUDI District- Patna

1. Sanju Devi @ Sanju Kumari S/o Ganesh Chaudhary Resident of Village- Makhdumchak, P.S.- Sigori, District- Patna
2. Ganesh Chaudhary S/o Gandhi Chaudhary R/o Vill- Makhdumchak, P.S.- Sigori, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra, Advocate Ms. Priti Singh, Advocate
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Satish Chandra, learned counsel for the petitioners and Mr. Akbar Ali, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sigori P.S. Case No. 55 of 2025, F.I.R dated 27.04.2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 10 liters of illicit country made liquor.

4. Learned counsel for the petitioners submits that the petitioner no. 1 has clean antecedent and the petitioner no. 2 carries one more case other than the present one and they have



falsely been implicated in the present case. He further submits that from a bare perusal of the FIR and seizure list, it appears that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the joint house property of the petitioners. 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 petitioners under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners 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 petitioner no. 2 carries one more case other than the present one, but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner 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) 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 petitioners.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners rather recovery has been made from the joint house property of the petitioners, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur at Patna in connection with Sigori P.S. Case No. 55 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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