

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50409 of 2025

Arising Out of PS. Case No.-107 Year-2022 Thana- OBRA District- Aurangabad

Avinash Kumar Son of Baidyanath Prasad Resident of Village - Shamsher
Nagar, P.S.- Daudnagar, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2025 Heard Ms. Rupa Kumari, learned counsel for the

petitioner and Mr. Rana Randhir Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Obra P.S. Case No. 107 of 2022, F.I.R dated
10.03.2022 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 300 ml, 100 pieces of illegal Tanaka
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 that nothing has been recovered



from the conscious possession of the petitioner rather the recovery has been made from the scooty bearing registration no.-BR01CG7880 and the name of the petitioner has been transpired merely on the ground petitioner is the owner of the scooty in question and apart from that the petitioner has already sold a scooty in question to one Ravi Raj on 03.07.2020 and the present FIR is instituted on 10.03.2022. 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 bare perusal of the sale letter dated 03.07.2020 which suggest that stamp of Rs. 50/-(Rupees fifty) on which the so called sale letter has been prepared, the same stamp has been purchased by the Ravi Raj on 03.07.2022 which suggest that the petitioner has annexed the false sale letter in support of his contention as



mentioned in the bail application.

6. Considering the aforesaid facts and circumstances that the petitioner has produced false paper in support of his contention which suggest that the petitioner has not come before this Court with clean hand, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Obra P.S. Case No. 107 of 2022, pending in the court of Special Judge, Excise Court No.-2nd, Aurangabad, Bihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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