

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76301 of 2025

Arising Out of PS. Case No.-203 Year-2025 Thana- SAHPUR District- Bhojpur

Surenbra Singh S/o Nawab Singh R/o Village - Phase - 1, Green City, P.S -
Sadar Rajpur, District - Patiala (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel for
the petitioner and Mr. Upendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest connection
with Shahpur P.S. Case No. 203 of 2025, F.I.R. dated
13.08.2025 registered for the offences punishable under
Sections 318(4), 338, 336(3), 340(2), 61(2) of B.N.S., 2023 and
Section 30(a), 32(1), 32(2), 36, 41(1), 41(2) of the Bihar
Prohibition & Excise (Amendment) Act, 2018.

3. Recovery is of 899.25 liters of foreign liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. A per allegation in the F.I.R.,
altogether 899.25 litres of foreign liquor was recovered from the



truck in question and petitioner has been made accused merely on the ground that the petitioner is the owner of the truck in question. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it appears that the petitioner was not present at the place of occurrence and one Rajendra Pal Singh who is the driver of the truck in question was arrested along with illicit liquor and petitioner has no concern at all with the alleged occurrence and he has been made accused merely on the ground that the petitioner is the owner of the truck in question. 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.

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 and the fact that the petitioner having clean antecedent and the petitioner has been made accused merely on the ground that the petitioner is the owner of the truck in question as well as nothing has been recovered from conscious possession of the petitioner, 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 Exclusive Special Excise Court No. 2nd, Bhojpur, Ara in connection with Shahpur PS. Case No. 203 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. One of the bailors should be the father of the petitioner, namely, Nawab Singh.
2. 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.

3. 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.

4. 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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