

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83939 of 2025

Arising Out of PS. Case No.-297 Year-2025 Thana- GOVINDPUR District- Nawada

Bablu Sharma Son of Dashrath @ Daso Sharma Resident of Village-
Govindpur, P.S.- Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Govindpur P.S. Case No. 297 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 28.09.2025 by the informant, Surendra Prasad Gupta.

3. As per the prosecution story, the Police on secret information raided the house of Satendra Sharma and there is recovery/seizure of 5 liter country made liquor. Later upon his information that he purchased it from the petitioner, another raid was conducted and there is recovery/seizure of 50 liter country made liquor from the house of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that



only because of a criminal antecedent under SC/ST Act, he has been implicated, nothing has been recovered from his conscious possession and he shall be diligently appearing in trial, if granted relief. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nawada for the purchase of flower pots in the Civil Court Campus, Nawada.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that he has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that recovery/seizure is beside the house not from his conscious possession and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nawada, for purchase of flower pots in the Civil Court Campus, Nawada and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Nawada.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Nawada in connection with Govindpur P.S. Case No. 297 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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