

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86200 of 2025

Arising Out of PS. Case No.-243 Year-2025 Thana- JALALPUR District- Saran

Santosh Nut S/O Late Dinanath Nut R/O village - Mangolapur, P. S - Jalalpur,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Jalalpur P.S. Case No. 243 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.10.2025 by the informant, Bahadur Prasad Yadav.

3. As per the prosecution story, the Police on secret information reached near the pile of wood in front of the petitioner's house and there is recovery/seizure of 9 liters country-made liquor and the *chowkidar* named him. This led to the FIR.

4. Learned counsel for the petitioner submits that the perusal of the FIR would show that it has been recovered from an open place not from his conscious possession and only



because of criminal antecedent, named.

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 on secret information, the said place near the house of the petitioner was raided.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery/seizure is from an open place and not from his conscious possession, 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.

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 Court of 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Jalalpur P.S. Case No. 243 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)

Adnan/-

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