

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4236 of 2025**

Arising Out of PS. Case No.-724 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Nandje Kumar @ Nandi Yadav @ Nanwni Kumar @ Nandni Kumar S/o-  
Hareram Yadav Resident Of Village- Hakam, Ps- Mahadewa OP, Siwan  
Muffasil, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      05-05-2025                      Heard Mr. Ajay Kumar Tiwary, learned counsel for  
the petitioner and Mr. Ahmad Ali, learned Additional Public  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Siwan Muffasil P.S. Case No. 724 of 2024,  
F.I.R dated 15.11.2024 registered for the offences punishable  
under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 63 liters of 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 and seizure list that



nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from vehicle in question and the petitioner has no concerned with illicit recovery or the vehicle in question. As per allegation that the petitioner fled away from the place of occurrence and the name of the petitioner has been come on the basis of disclosure made by the local chowkidar and except aforesaid no other material has come during investigation, which suggests the involvemnt of the petitioner in the present occurrence.

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, nothing has been



recovered from conscious possession of the petitioner, the petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of the disclosure made by the local chowkidar, 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 the learned Exclusive Special Judge, Excise Court No. II, Siwan in connection with Siwan Muffasil P.S. Case No. 724 of 2024,, 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. 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.

ii. 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.

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 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)**

Jyoti Kumari/-

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