

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25000 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- Vasudevpur District- Munger

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1. Vishal Kumar S/o Sri Tan Tan Yadav Resident of Village - Sherpur, P.S- Basudeopur, District - Munger, Pin - 811202
 2. Sujal Kumar S/o Sri Tan Tan Yadav Resident of Village - Sherpur, P.S- Basudeopur, District - Munger, Pin - 811202

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Hemant Kumar, learned counsel for the

petitioners and Mr. Awadhesh Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Basudeopur P.S. Case No. 20 of 2026, F.I.R
dated 17.02.2026 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 439.89 liters of illegal foreign
liquor.

4. Learned counsel for the petitioners submits that
the petitioners have clean antecedent and they have 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 petitioners rather the recovery has been made from the possession of co-accused, namely, Rahul Kumar and the said Rahul Kumar disclosed that the petitioners were also present at the place of occurrence. There is non-compliance with mandatory procedure prescribed for recovery under Section 103 and 105 of Bhartiya Nagarik Suraksha Sanhita and except the disclosure made by apprehended co-accused person, no other cogent material has come during investigation which suggest the involvement of the petitioners in the present occurrence. 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 petitioners 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 petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their 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-II, Munger in connection with Basudeopur P.S. Case No. 20 of 2026, 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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