

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25241 of 2026

Arising Out of PS. Case No.-265 Year-2022 Thana- RIGA District- Sitamarhi

Subodh Rai @ Subodh Ray S/o Yogi Ray R/o village - Ward no. 5, Bahera,
P.S. - Majorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Santosh Kumar, learned counsel for
the petitioner and Mr. Abhay Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Riga P.S. Case No. 265 of 2022, F.I.R dated 02.07.2022 registered for the offences punishable under Section 341, 323, 353, 414, 506, 34 of the Indian Penal Code and Section 30(a), 41(1) of Bihar Prohibition and Excise Act.

3. Recovery is of 72 liters of illegal Nepalese 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 that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from motorcycle in question. Petitioner is not named in the FIR and his name transpired on the basis that he is owner of the motorcycle in question. Infact the petitioner has given his motorcycle to one Ram Pukar Sahni for personal use and the said Ram Pukar Sahni was apprehended along with the illicit liquor and similarly situated co-accused person, namely, Keshav kumar @ Keshav Sah has been granted the privilege of anticipatory bail by this Court vide order dated 09.12.2022 in Cr. Misc. No. 65200 of 2022. 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 that the petitioner has clean antecedent and his name transpired on the basis that he is owner of the motorcycle in question and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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 Excise Court no.1, Sitamarhi in connection with Riga P.S. Case No. 265 of 2022, 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)

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