

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27003 of 2026

Arising Out of PS. Case No.-3 Year-2023 Thana- MANIYARI District- Muzaffarpur

Golu Kumar @ Golu Kumar Ray S/O Paanchu Ray Resident of Village-
Mahua Singh Ray, Ward No.- 01, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2026 Heard Mr. Anish Kumar, learned counsel for the

petitioner and Mr. Arun Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Maniyari P.S. Case No. 03 of 2023, F.I.R dated
04.01.2023 registered for the offences punishable under Section
30(a), 32(2)(3), 41(1)(2) of Bihar Prohibition and Excise Act.

3. Recovery is of 2205.00 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
the petitioner is innocent 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 the truck in question and the petitioner was not apprehended at the place of occurrence and his name transpired on the basis of disclosure made apprehended co-accused person There is non-compliance with mandatory procedure prescribed for recovery under Section 103 and 105 of Bhartiya Nagarik Suraksha Sanhita. He next submits that similarly situated co-accused persons, namely, Khatija Begam and Aman Kumar Jha have been granted the privilege of anticipatory bail by different co-ordinate Benches of this Court vide order dated 24.01.2024 and 28.02.2025 in Cr. Misc. No. 79496 of 2023 and Cr. Misc. No. 2107 of 2025. 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 and apart from that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.



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, name of the petitioner has been transpired on the basis of disclosure made apprehended co-accused person and similarly situated co-accused persons have been granted the privilege of anticipatory bail by different co-ordinate Benches of 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.II, Muzaffarpur in connection with Maniyari P.S. Case No. 03 of 2023, 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)

Suruchi/-

U		T	
---	--	---	--

