

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28468 of 2026**

Arising Out of PS. Case No.-29 Year-2026 Thana- Bahera District- Gaya

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Saurabh Suman @ Saurav Suman @ Saurav Kumar S/o Suresh Prasad  
Resident of Village/ Mohalla - New Area, Maharana Pratap Nagar, P.S.-  
Aurangabad Town, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

2      23-04-2026                      Heard Mr. Gajendra Kumar Singh, learned counsel for  
  
the petitioner and Mr. Rana Randhir Singh, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Bahera P.S. Case No. 29/2026, F.I.R. dated  
12.02.2026 for the offences punishable under Section 30(a) of  
the Bihar Prohibition and Excise Act.

3. Recovery is of 1200.96 liters of illicit Indian  
made foreign liquor from the truck.

4. Learned counsel for the petitioner submits that  
the petitioner has clean antecedent and has falsely been  
implicated in the present case. The petitioner has no concern at  
all with the alleged recovery of liquor. He further submits that it



appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question and the petitioner has been made accused in the present case merely on the basis that he is the owner of the vehicle in question. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. 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, nothing has been recovered from conscious possession of the petitioner, 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-5, Gaya in connection with Bahera P.S. Case No. 29/2026, 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. 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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