

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54833 of 2025

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Abdul Jalil S/O Abdul Khalil R/O Village- Daulatpur, P.S- Dalkola, Distt.-
Uttar Dinazpur (West Bangal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-01-2026 Heard Mr.Ram Prawesh Kumar, learned counsel for
the petitioners and Mrs.Dr. Indihar Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Baisi P.S.Case No.238 of 2019,FIR dated
05.10.2019 registered for the offences punishable under
Sections 272,273 of IPC and Sections 30(a),33,41,47 of Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of 8000 liters raw spirit.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. The name of the petitioner
has been transpired during investigation on the basis of the
confessional statement of co-accused person, namely, Murshid



@ Md. Murshid Alam and it appears from the FIR as well as seizure list that the recovery has been made from the Truck in question and petitioner is neither the owner nor the driver of the vehicle in question and petitioner has no concern at all with the alleged recovery of illicit raw spirit or the vehicle in question and he has been made accused in the present case merely on the basis of confessional statement of co-accused person, namely, Murshid @ Md. Murshid Alam and said co-accused person, namely, Murshid @ Md. Murshid Alam has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 15.06.2021 passed in Cr. Misc. No.33040 of 2021 and several similarly situated co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-3 Series of this bail petition. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for 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. Further submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the anticipatory bail petition.

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) PLJR 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, 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 learned Exclusive Special Judge Excise No.-1, Purnea in connection with Baisi P.S. Case No.238 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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