

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13172 of 2025**

Arising Out of PS. Case No.-449 Year-2024 Thana- TEGRHA District- Begusarai

1. Rudal Sahani Son of Masudan Sahani Resident of village -Binalpur Chakudho, Ward No. 7, P.S.- Teghra, District- Begusarai
2. Ram Bhuban Sahani Son of Masudan Sahani Resident of village -Binalpur Chakudho, Ward No. 7, P.S.- Teghra, District- Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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

2 28-03-2025 Heard Mr. Sarvottam Kumar, learned counsel for
the petitioners and Mr. Sanjay Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Excise Teghra P.S. Case No. 449 of 2024, F.I.R dated 25.12.2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 15 liters of country made wine.

4. Learned counsel for the petitioners submit that
ers are innocent and have falsely been implicated
ent case. He further submits that it appears from
and the seizure list that nothing has been

recovered from the conscious possession of the petitioners rather the recovery has been made from near the Chhoti Bandh in the bush and the petitioners have no concerned with the alleged recovery of illicit liquor and they have been made accused on the basis of the secret information and except for the aforesaid, no other material has come during the investigation, which can suggest the involvement of the petitioners in the present occurrence. 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 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 and that the petitioners are carrying one case other than the present one, but fairly submits that the petitioners are on bail in the pending matter.

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 nothing has been recovered from conscious possession of the petitioners and the petitioners have clean antecedent and the name of the petitioners have been transpired on the basis of secret information, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, Begusarai in connection with Excise Teghra P.S. Case No. 449 of 2024, 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 antecedent, 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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