

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72709 of 2025

Arising Out of PS. Case No.-232 Year-2025 Thana- Excise P.S. District- Nawada

Golu Kumar @ Golden Yadav S/O Manger Yadav Resident of Village-
Kumhrua Tola, Girgi, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 232 of 2025 for the offence under sections 30(a) and 44 of the Bihar Prohibition and Excise Act lodged on 14.04.2025 by the informant, Suman Bharti.

3. As per the prosecution story, the motorcycle was intercepted and there is recovery/seizure of 16.500 liters of beer and one Sanjit Kumar was arrested who gave the name of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him nor he has criminal antecedent and only because the arrested person named him,



the Police implicated him.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the arrested person has named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that he has neither the criminal antecedent nor the motorcycle belongs to him, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. Let the petitioner be released on bail in the event



of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court Excise-2, Nawada in connection with Excise P.S. Case No. 232 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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