

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72745 of 2025**

Arising Out of PS. Case No.-224 Year-2025 Thana- DHAKA District- East Champaran

Nitesh Kumar @ Nitesh S/o Vijay Patel @ Late Rajeshwar Raut R/o Village-  
Patel Nagar, P.S.- Dhaka, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, 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 Dhaka P.S. Case No. 224 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.05.2025 by the informant, Ramanji Paswan.

3. As per the prosecution story, the Police on secret information raided the place and there is recovery/seizure of 19.5 liter of English wine and 27 liters of Nepali wine. The locals gave the name which led to the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent but due to the local enmity, named and nothing has been recovered from his conscious possession.

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 his name has come upon inquiry made from the locals.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not have any criminal antecedent and the recovery/seizure is not from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. 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 No. 3, East Champaran, Motihari in connection with Dhaka P.S. Case No. 224 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 threaten 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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