

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72793 of 2025

Arising Out of PS. Case No.-488 Year-2025 Thana- GARKHA District- Saran

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Vishal Kumar S/o Manoj Ray R/o Village- Gheghtha, P.S.- Chapra Mufassil,
District- Saran Petitioner/s

Versus

The State of Bihar, Patna Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Garkha P.S. Case No. 488 of 2025 instituted under Sections 30(A) of the Bihar Prohibition and Excise Act lodged on 28.06.2025 by the informant, Naveen Kumar.

3. As per the prosecution story, the Police on secret information, intercepted a motorcycle and there is recovery/seizure of 26.28 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that Pintu Kumar had taken his vehicle little realizing that it has been used for carrying the liquor. If granted relief, he shall be diligently appearing in trial.

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 he owns the motorcycle.

7. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession, considering the judgment of **Ram Vinay Yadav (supra)**, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Garkha P.S. Case No. 488 of 2025 to the satisfaction of learned Additional Sessions Judge-cum-1st Exclusive Special Excise Court, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(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 next six months to mark his attendance;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

(vi) 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)

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