

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72765 of 2025

Arising Out of PS. Case No.-287 Year-2025 Thana- ARA NAWADA District- Bhojpur

Arjun Kumar S/O Bhikhari Rai Resident of Village- Jamiara, P.S.- Ara
Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, 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 Ara Nawada P.S. Case No. 287 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 30.04.2025 by the informant, Chandeshwar Kumar.

3. As per the prosecution story, the Police during vehicle checking, intercepted a motorcycle and from it, there is recovery/seizure of 12.750 liters of foreign liquor and one person namely, Lalu Kumar was arrested. This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the motorcycle and as such, got implicated, has no criminal antecedent and Lalu Kumar is his brother who had



taken it for some personal work.

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, Mr. Jitendra Kumar Singh opposes the prayer submitting that he being the owner cannot exonerate himself from the responsibility.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that the petitioner has no criminal antecedent and nothing has been recovered from his conscious possession, 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 No. 1st, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 287 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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