

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72755 of 2025

Arising Out of PS. Case No.-937 Year-2025 Thana- ALAMGANJ District- Patna

Pawan Kumar S/O Late Mohan Lal Jhunjhun Wala R/O Kasri Sadan, R.K.
Bhattacharya Road, P.S- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Rai, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, 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 Alamganj P.S. Case No. 937 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 31.08.2025 by the informant, Jitendra Badhaik.

3. As per the prosecution story, the Police intercepted a Maruti car and there is recovery/seizure of 500 ml beer. The person namely, Vayu Jhunjhunwala who is the son of the petitioner was arrested alongwith the said beer. This led to the FIR.

4. Learned counsel for the petitioner submits that the son has been arrested, he has been named only because he owns the car and has no criminal antecedent.

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 being the owner, he 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 nothing has been recovered from this petitioner who only owns the car and has no criminal antecedent, 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 of Excise, Patna City, Patna in connection with Alamganj P.S. Case No. 937 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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