

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72790 of 2025

Arising Out of PS. Case No.-626 Year-2025 Thana- PIRBAHOR District- Patna

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Ravi Kumar Arya @ Ravi Kumar S/O Prakash Sah R/O Village- Sanhaula,
P.S- Sanhaula, Distt.- Bhagalpur, At present Bihari Saw Lane, P.S- Pirkahor,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, 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 Pirkahore P.S. Case No. 626 of 2025 instituted under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 10.08.2025 by the informant, Diwakar Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, a person was found coming from the University side, intercepted and there is recovery/seizure of 09 liters of foreign liquor. Sah Monu who was carrying the liquor was arrested and he gave the name of other accused persons, the petitioner included. This led to the FIR.

4. Learned counsel for the petitioner submits that



from perusal of the FIR would show that nothing has been recovered from his conscious possession rather from Sah Monu and only due to enmity, named 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 as also that the recovery/seizure is from Sah Monu, this petitioner has no criminal antecedent and 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 concerned 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 Pirbahore P.S. Case No. 626 of 2025 to the satisfaction of learned Special Judge, Excise -2, Patna 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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