

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72729 of 2025

Arising Out of PS. Case No.-360 Year-2024 Thana- Excise P.S. District- Siwan

Vikash Kumar Sah @ Vikash Kumar @ Vikash Singh S/o Shiv Nath Sah R/o
Village- Atwan Durg, P.S.- Hathuwa, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, 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 Siwan Excise P.S. Case No. 360 of 2024 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 15.06.2024 by the informant, Yashwant Patel.

3. As per the prosecution story, the informant alleged that on secret information and during patrolling intercepted a Scorpio and from it 405.840 liters of foreign liquor recovered/seized. Chandan Kumar was arrested who gave the name of vehicle owner Shubham Singh and associate as Vikash Kumar (petitioner herein). This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, arrested person has named him, is



not the owner of the vehicle and the owner of the vehicle Shubham Singh has been granted relief in Cr. Misc. No. 90213 of 2024.

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 arrested person has named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that this petitioner has no criminal antecedent and one of the co-accused has been granted relief, as stated above, 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 Court of Exclusive Special Excise Court No. II, Siwan in connection with Siwan Excise P.S. Case No. 360 of 2024 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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