

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72778 of 2025**

Arising Out of PS. Case No.-560 Year-2025 Thana- Excise P.S. District- Nawada

Sanjay Yadav @ Chhotu Kumar S/O Rohi Yadav @ RohitYyadav R/O Vill.-  
Barishakhi, P.S.- Gidhour, Dist.- Chatra, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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 Excise P.S. Case No. 560 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.08.2025 by the informant, Deepak Kumar.

3. As per the prosecution story, the Police on secret information intercepted a Swift Dezire car and from it, 204 liters of Indian made foreign liquor recovered/seized and one person namely, Sachin Kumar was arrested. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he owns the vehicle nor anything recovered from his conscious possession, only because he has been named, implicated and without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the



District Legal Services Authority, Nawada for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

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 the petitioner do not have criminal antecedent nor the car belongs to him 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 subject to payment of Rs. 15,000/- to the District Legal Services Authority,



Nawada for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of Nawada Judgeship as undertaken by the learned counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Nawada.

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 Excise Court No. II, Nawada in connection with Excise P.S. Case No. 560 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.

10. A copy of the order be sent to the Principal District and Sessions Judge, Nawada for his/her perusal and needful.

**(Rajiv Roy, J)**

Adnan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

