

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83732 of 2025

Arising Out of PS. Case No.-376 Year-2025 Thana- DEEPNAGAR District- Nalanda

Gauri Shankar @ Gauri Shankar Kumar S/O Jaygovind Prasad R/O Village-
Kaila, P.O.- Kaila, P.S.- Nagarnausa, District- Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Deep Nagar P.S. Case No. 376 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 29.08.2025 by the informant, Pankaj Kumar.

3. As per the prosecution story, the Police during the patrolling intercepted a car and recovered/seized 216 liter Beer. The petitioner being owner of the vehicle, F.I.R. was lodged against him as one person managed to escape from the car when the Police intercepted it.

4. Learned counsel for the petitioner submits that being the owner, he has been implicated and has no criminal antecedent and if granted relief, he shall be diligently appearing in trial. Last submission is that without accepting the allegation



or outcome of the petition the petitioner intends to pay Rs.10,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nalanda at Biharsharif for purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, Nalanda at Biharsharif.

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 he is owner of the seized vehicle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he is the owner of the seized vehicle and has no criminal antecedent and an undertaking has been given that he shall be diligently appearing in trial, in that background, this



Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.10,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nalanda at Biharsharif for purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, Nalanda at Biharsharif and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Nalanda at Biharsharif.

8. 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 5th Additional District and Sessions Judge-cum-Special Judge (Excise), Biharsharif, Nalanda in connection with Deep Nagar P.S. Case No. 376 of 2025 subject to the following 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 month 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.

9. Let a copy of the order be communicated to the learned Principal District & Sessions Judge, Nalanda at Biharsharif for perusal and needful.

(Rajiv Roy, J)

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