

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82419 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- BARHARA District- Bhojpur

Luvkush Kumar Son of Butan Paswan @ Butan Ram R/o Village- Ram
Shahar, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Akanksha Malviya, Advocate

Ms. Naina Nancy, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barhara P.S. Case No. 151 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 17.08.2025 by the informant, Anmol Kumar Yadav.

3. As per the prosecution story, upon secret information, the motorcycles were intercepted and altogether 90 liters of mahua recovered from the two motorcycles. This led to the FIR.

4. Learned counsel for the petitioner submits that neither of the two motorcycles belong to him, the petitioner has no criminal antecedent and if granted relief, shall be diligently appearing in trial.

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.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not have any criminal antecedent and shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Exclusive Special Excise Court-1, Bhojpur at Ara in connection with Barhara P.S. Case No. 151 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 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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