

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82420 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- WAJIRGANJ District- Gaya

Bablu Kumar S/o Bindeshwar Prasad @ Vindeshawar Prasad @ Vineshar
Mahato Resident of Village - Sukha Bigha, P.S.- Wazirganj, District - Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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 Wajirganj P.S. Case No. 137 of 2025 for the offence under sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act lodged on 11.03.2025 by the informant, Jitendra Paswan.

3. As per the prosecution story, the Police upon secret information, reached the place and the recovery is/are follows:
330 liter desi mahua chulai liquor, 300 kg gur and 50 kg nausadar. Further, the recovery is of 2000 liters of soaked jawa mahua contained in 25 drums which were destroyed. This led to the FIR.

4. Learned counsel for the petitioner submits that he has absolutely no role in the aforesaid recovery/seizure and only



because of criminal antecedent, implicated. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services Authority, Gaya for beautification/installation of the music system in the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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, Mr. Jitendra Kumar Singh opposes the prayer submitting that he has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that recovery is from an open place 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. 20,000/- to the District Legal Services Authority, Gaya for beautification/installation of the music system in the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Gaya.

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 No. 5, Gaya in connection with Wajirganj P.S. Case No. 137 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.

9. Let a copy of the order be sent to the Principal District and Sessions Judge, Gaya for his perusal and to do the needful.

(Rajiv Roy, J)

Adnan/-

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