

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83938 of 2025

Arising Out of PS. Case No.-372 Year-2025 Thana- NASRIGANJ District- Rohtas

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Brajesh Sah @ Brajesh Kumar Son of Babu Sah @ Baban Sah Resident of
Village -Taraaw, Police Station - Nasariganj, District - Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaubey, Advocate
For the State : Mr. Md. Matloob Rab, APP

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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 Nasriganj P.S. Case No. 372 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 25.10.2025 by the informant, Ashwani Kumar.

3. As per the prosecution story, the Police on secret information intercepted a motorcycle, there is recovery/seizure of 5 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent and only because he owns the motorcycle, implicated. He had given the motorcycle to Shanker Kumar and is now facing the F.I.R.

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 the owner of the vehicle.

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, 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 Judge, Excise-II, Rohtas in connection with Nasriganj P.S. Case No. 372 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 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;

(iv) 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)

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