

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83958 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- DEODHA District- Madhubani

Raja Kumar Yadav Son of Gavan Yadav Vill. - Jaynagar Basti Ward no. - 01,
P.S.- Jaynagar, District -Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, 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 Deodha P.S. Case No. 78 of 2025 for the offence under sections 274, 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, a four wheeler vehicle was intercepted and there is recovery/seizure of 1350 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he owns the vehicle, got implicated. Nothing has been recovered from his conscious possession nor he has criminal antecedent.

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

7. Learned APP opposes the prayer submitting that he being the owner of the vehicle, cannot exonerate himself from the responsibility.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession nor he has criminal antecedent, is a student, 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, Madhubani for the installation of the music system in the Civil Court Campus of Madhubani Judgeship as undertaken by the petitioner(s) through through the learned counsel 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, Madhubani.

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 Judge, Excise, Madhubani in connection with Deodha P.S. Case No. 78 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.

10. Let a copy of this order be sent to learned Principal District and Sessions Judge, Madhubani for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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