

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83424 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- KOTWA District- East Champaran

Rambabu Yadav Son of Ayodhya Prasad Yadav Resident of Village-
Koimgawan Kotwa, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Akshay Lal Pandit, 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 Kotwa P.S. Case No. 234 of 2025 for the offence under sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, lodged on 26.06.2025 by the informant, Shivroop Ram.

3. As per the prosecution story, the informant alleged that an E-Rickshaw was intercepted and there is recovery/seizure of 159.660 liters of foreign liquor. One Amresh Paswan was arrested and the persons who escaped were named as Moti Paswan and Rambabu Yadav (petitioner herein). This led to the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, due to enmity, the Chowkidar



has named him, don't own the motorcycle and/or the E-Rickshaw. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, East Champaran at Motihari for purchasing of the flower pots for the Civil Court Campus of Sikrahana at Dhaka and Areraj, East Champaran.

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 the Chowkidar has named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he has no criminal antecedent and is not the owner of



the motorcycle, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, East Champaran at Motihari for purchasing of the flower pots for the Civil Court Campus of Sikrahana at Dhaka and Areraj, East Champaran. and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, East Champaran at Motihari.

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 Special Judge, Excise Court No.1, Motihari, East Champaran in connection with Kotwa P.S. Case No. 234 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, East Champaran at Motihari for perusal and needful.

(Rajiv Roy, J)

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