

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83431 of 2025**

Arising Out of PS. Case No.-386 Year-2025 Thana- Excise P.S. District- Siwan

Niranjan Patel Son of Jitendra Patel @ Jitendra Prasad, Resident Of Village-  
Kabirpur, PS- Mairwan, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Priyanka Kumari, Advocate  
For the State : Mrs. Pushpa Sinha.1, 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 Siwan Excise P.S. Case No. 386 of 2025 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 10.06.2025 by the informant, Virendra Kumar.

3. As per the prosecution story, the Police intercepted the Scorpio and there is recovery/seizure of 504 liters country made liquor and Manjesh Pandey was arrested and this led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, the driver of the vehicle Manjesh Pandey was driving it and he had no knowledge of it and if granted relief, shall be diligently appearing in trial. Last



submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.10,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Siwan for purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, Siwan.

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 being the owner, he cannot exonerate himself from the said case.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner has no criminal antecedent 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.10,000/- by Demand Draft issued by the local branch of the State Bank of India to the District Legal Services Authority, Siwan, for purchasing of flower pots/sanitary vending machine whichever is required in the Civil Court Campus, Siwan and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Siwan.

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.-II, Siwan in connection with Siwan Excise P.S. Case No. 386 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, Siwan.

**(Rajiv Roy, J)**

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