

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86170 of 2025

Arising Out of PS. Case No.-807 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

1. Ravindra Rai S/O Sukhnandan Rai Resident Of Village - Ismailpur , Police Station- Sadar Hajipur , District - Vaishali
2. Jitendra Sahani S/O late Bashisth Sahni Resident Of Village - Ismailpur , Police Station- Sadar Hajipur , District - Vaishali
3. Kundan Kumar S/O Mahesh Sah Resident Of Village - Samachak , Police Station- Sadar Hajipur , District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar, Advocate
For the State	:	Mr. Bharat Bhusha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-12-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 807 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.10.2025 by the informant, Sandhya Kumari.

3. As per the prosecution story, the allegation is that the Police during the patrolling duty and vehicle checking, upon information, reached near the pond. Some people managed to escape and there is recovery/seizure of 40 liter



country made liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that only because they have criminal antecedent, implicated, nothing has been recovered from their conscious possession, if granted relief, they shall be diligently appearing in trial.

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 they have 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 nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners 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.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 807 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners 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 petitioners 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 petitioners 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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