

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83944 of 2025**

Arising Out of PS. Case No.-780 Year-2025 Thana- Excise P.S. District- Sitamarhi

Binod Rai @ Vinod Ray Son of Ramprit Ray Resident of Village- Punaura  
Bantolwa PS- Punaura District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra 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 Sitamarhi Excise P.S. Case No. 780 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant on secret information, raided the orchard and there is recovery/seizure of 81 liter Nepali liquor, one Vikash Kumar was apprehended and he named this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, Vikash Kumar was picked up and he gave the name only because the petitioner 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. 10,000/- to the District Legal Services Authority, Sitamarhi for the purchase of flower pots in the Civil Court Campus of Sitamarhi Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

7. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that the person apprehended has named him and he has criminal antecedent.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also the fact that nothing has been recovered from his conscious



possession, FIR is there, he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Sitamarhi for the purchase of flower pots in the Civil Court Campus of Sitamarhi 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, Sitamarhi.

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 Excise Court-II, Sitamarhi in connection with Sitamarhi Excise P.S. Case No. 780 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.

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

**(Rajiv Roy, J)**

Vijay Singh/-

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