

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88008 of 2025

Arising Out of PS. Case No.-192 Year-2025 Thana- MADHEPUR District- Madhubani

1. Sitaram Singh S/O Late Saryug Singh Resident of Village- Pachmaniya, P.S.- Madhepur, District- Madhubani
2. Santosh Kumar Singh @ Santosh Singh S/O Laleshwar Singh Resident of Village- Pachmaniya, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashad, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025

Heard the parties.

2. The petitioners are apprehending arrest in connection with Madhepur P.S. Case No. 192 of 2025 instituted under Sections 274, 275 of the Bhartiya Nayay Sanhita, 2023 and under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 16.10.2025 by the informant, Kanchan Kumar Singh.

3. As per the prosecution story, the police on secret information, searched the house of the two petitioners and there is recovery/seizure of 60 liters of country made liquor and 12 liters of country made liquor respectively from their houses. This led to the FIR.



4. Learned counsel for the petitioners submit that admittedly the seizure/recovery is from the joint houses, nothing has been recovered from his conscious possession of the petitioners, in that background. The petitioners do not have criminal antecedent.

5. Further, learned counsel for the petitioners 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 recovery/seizure is from the respective houses.

7. Considering the submissions of the parties as also and the judgment of Ram Vinay Yadav (supra), the petitioner do not have criminal antecedent, the recovery/seizure is from the houses and not from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail.



8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Madhepur P.S. Case No. 192 of 2025 to the satisfaction of learned Spl. Judge, Excise Act, Jhanjharpur, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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 their bail bonds.

(Rajiv Roy, J)

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