

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86228 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- SILAO District- Nalanda

Akshay Kumar S/o Ashok Caudhari @ Ashok Chaudhary R/o village - Silao
Dih, P.S - Silao, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Silao P.S. Case No. 277 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 01.10.2025 by the informant, Aditya Kumar.

3. As per the prosecution story, the informant alleged that a motorcycle was intercepted and there is recovery/seizure of 375 ml. premium whiskey. This led to the FIR.

4. Learned counsel for the petitioner submits that his motorcycle was parked at a public place, someone kept the bag, he being the owner, got implicated. Nothing has been recovered from his conscious possession nor he 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. Learned APP opposes the prayer submitting that the petitioner owns the motorcycle.

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 nor anything has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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-II, Biharsharif, Nalanda in connection with Silao P.S. Case No. 277 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 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;

(iv) 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.

(Rajiv Roy, J)

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