

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86282 of 2025**

Arising Out of PS. Case No.-311 Year-2025 Thana- DARBHANGA SADAR District-  
Darbhanga

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Mukesh Sahni @ Mukesh Kumar S/O Ramdayal Sahni R/O Village - Navtoli  
P.S.- Sadar Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Virendra Kumar, Advocate  |
| For the State        | : | Mr. Yogendra Kumar Singh, APP |

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**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 Sadar P.S. Case No. 311 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 27.09.2025 by the informant, Mahesh Pandit.

3. As per the prosecution story, the informant alleged that on secret information tried to intercept a motorcycle but the accused persons managed to escape, one Bambam Kumar was arrested and there is recovery/seizure of 102 liter country made liquor. He gave the name of the person who escaped, the petitioner herein. The house of the petitioner thereafter raided but he was found absconding. This led to the FIR.

4. Learned counsel for the petitioner submits that



neither anything has been recovered from his motorcycle nor from his conscious possession, only because Bambam Kumar named him, implicated though he concede that he has one criminal antecedent of the same nature. 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/any Nationalized Bank to the District Legal Services Authority, Darbhanga for the purchase of Journals/Bare Act for the Civil Court, Darbhanga.

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 has 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 his conscious possession, one Bambam Kumar already stands arrested alongwith the liquor, 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/any Nationalized Bank to the District Legal Services Authority, Darbhanga, for the purchase of Journals/Bare Act for the Civil Court, Darbhanga and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Darbhanga.

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 Excise Judge-I, Darbhanga in connection with Sadar P.S. Case No. 311 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 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 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.

**(Rajiv Roy, J)**

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