

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83954 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- SUPPI District- Sitamarhi

Raj Kishor Rai S/O Jagarnath Rai R/O Village- Sonakhan, P.S- Suppi, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rina Sinha, 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 Suppi P.S. Case No. 315 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, the Police raided a place near the bank of Bagmati river and there is recovery/seizure of 432 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he got implicated, recovery is near the bank of the river, nothing from his conscious possession.

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. 20,000/- to the District Legal Services Authority, Sitamarhi for the installation of music system 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 opposes the prayer submitting that 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 place of recovery, nothing from his conscious possession, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with



conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Sitamarhi for the installation of music system 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 No. 1, Sitamarhi in connection with Suppi P.S. Case No. 315 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.

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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