

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86162 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- Fekla District- Darbhanga

Chandan Yadav @ Chandan Kumar Yadav @ Chandan Kumar Son of Ram
Sajjan Yadav R/O village - Baruar, Police Station - Fekla, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-12-2025 Heard Ms. Archana Anand, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Fekla P.S. Case No. 95 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 28.09.2025 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the house of the petitioner was raided and there is recovery/seizure of 134.625 liters of foreign liquor. The watchman gave the name of the petitioner as the person who escaped. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather from a house which is a joint property, has no criminal



antecedent and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Darbhanga for the purchase of flower pots in the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

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 *chowkidar* has named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that he do not have any criminal antecedent nor anything has recovered from his conscious possession, 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, Darbhanga for the purchase of flower pots in the Civil Court Campus of Darbhanga Judgeship as undertaken by the learned counsel for the petitioner 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, 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 Judge-I (Excise act), Darbhanga in connection with Fekla P.S. Case No. 95 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.

9. A copy of the order be sent to the Principal District and Sessions Judge, Darbhanga for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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