

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88007 of 2025

Arising Out of PS. Case No.-170 Year-2025 Thana- PALANWA District- East Champaran

Bageshwar Ram Son of Bira Ram R/o village - Lakshnauta, P.S.- Palanwa,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar II, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025 Heard Mr. Dhananjay Kumar, learned counsel for the
petitioner and Mrs. Asha Kumari, learned APP.

2. The petitioner is apprehending arrest in connection with Palanwa P.S. Case No. 170 of 2025 instituted under Sections 30(a) and 41(i) of the Bihar Prohibitionn and Excise Amendment Act lodged on 21.09.2025by the informant, Shashi Bhushan Kumar.

3. As per the prosecution story, the police alleged that during patrolling, it intercepted two motorcycles and there is recovery/seizure of 60 liters of country made liquor from the jute bag. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated. nothing has been recovered from his conscious possession nor the



vehicles belong to him.

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 of 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, Mr. Jitendra Kumar Singh opposes the prayer submitting that the petitioner has criminal antecedent.

7. Considering the submissions of the parties as also and the judgment of Ram Vinay Yadav (supra), the petitioner do not own the vehicles, though criminal antecedent is there, an undertaking has been given that he shall be diligently appearing in trial, further, he shall not indulged any further criminal activity, the petitioner do not have criminal antecedent in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Palanwa P.S. Case No. 170 of 2025 to the satisfaction of learned Excl. Spl. Judge, Excise-2, East Champaran 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 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 next six months to mark his 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 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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