

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86155 of 2025

Arising Out of PS. Case No.-660 Year-2025 Thana- Excise P.S. District- Nawada

Mithlesh Kumar S/o Dhanesh Yadav @ Dhano @ Dhaneshwar Yadav R/o
Village - Dhivari, Samai, P.S - Muffasil, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, 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 Nawada Excise P.S. Case No. 660 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 07.09.2025 by the informant, Deepak Kumar.

3. As per the prosecution story, during the vehicle checking, a motorcycle was intercepted and while one Raju Kumar was apprehended, others managed to escape. The arrested person gave the name of this petitioner and recovery/seizure of 12.375 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he was present at the spot nor the motorcycle belongs to him, he do not have any criminal antecedent and only because the arrested person named him, implicated.

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 arrested person 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 the petitioner does not own the motorcycle nor anything 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 Exclusive Special Excise Court No. II, Nawada in connection with Nawada Excise P.S. Case No. 660 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.

(Rajiv Roy, J)

Adnan/-

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