

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86165 of 2025

Arising Out of PS. Case No.-404 Year-2025 Thana- MANJHI District- Saran

Yogendra Bin Son of Chotelal Bin R/V- Sonbarsa Ke Tola, P.S.- Manjhi,
Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, 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 Manjhi P.S. Case No. 404 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 19.10.2025 by the informant, Ramji Vishwakarma.

3. As per the prosecution story, the Police alleged that on secret information, the vehicles were being intercepted when it was found that three persons coming on motorcycles tried to escape. Though one of them was apprehended, the other two managed to escape. Rohit Kumar who was arrested, from him there is/are recovery/seizure of 22.14 liters foreign liquor from one vehicle. Further, from the *scooty*, there is recovery of 80 liters of country-made liquor while from third motorcycle, there is recovery of 9 liters totalling 111.14 liters of liquor. This led to the



FIR.

4. Learned counsel for the petitioner submits that the *scooty* belongs to him, it was parked there, he has no knowledge about the presence of the said liquor but being the owner, implicated. The last submission is that he do not have any criminal antecedent and 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, Saran for the purchase of Bare Act/Journal for the Civil Court Campus, Saran at Chapra 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 one of the vehicle belongs to 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 do not have any criminal antecedent, 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, Saran for the purchase of Journals/Bare Act in the Civil Court Campus of Saran at Chapra 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, Saran.

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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Manjhi P.S. Case No. 404 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, Saran at Chapra for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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