

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88143 of 2025

Arising Out of PS. Case No.-84 Year-2024 Thana- SONPUR RAIL P.S. District- Saran

Ravi Sah @ Ravi Kumar S/o Ravindra Prasad @ Ravindra Sah R/O Village -
Bhikha Bandh, Satjora, P.S- Duraudha, District.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the State : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Rail Sonapur P.S. Case No. 84 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 21.04.2024 by the informant, Mritunjay Yadav.

3. As per the prosecution story, the Police raided the platform at Sonapur Railway Station, Satyendra Kumar, Parma Kumar and Bideshi Kumar were apprehended and from the bags of Parma Kumar and Bideshi Kumar, there is recovery/seizure of 12.750 liter foreign liquor. This led to the FIR.

4. Subsequently, during the investigation, it has come to note that this petitioner has also role in the case and as such, charge-sheet submitted against him.

5. Learned counsel for the petitioner submits that a



perusal of the entire F.I.R. would show that allegation is mainly against Satyendra Kumar, Bideshi Kumar and Parma Kumar, in the F.I.R. also they gave certain other names which do not include the petitioner. The Police deliberately has submitted charge-sheet against him because he has one criminal antecedent and if granted relief, he shall be diligently appearing in trial.

6. 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.

7. Learned APP opposes the prayer submitting that the role has come in the F.I.R.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that recovery/seizure is not from him, though he has criminal antecedent, 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.

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.3, Saran at Chapra in connection with Rail Sonepur P.S. Case No. 84 of 2024 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.

(Rajiv Roy, J)

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