

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88011 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- Excise Arwal District- Jehanabad

Ritesh Kumar S/O Shree Upendra Singh R/O Village-Bandhu Bigha,P.S-Mehandiya,District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Excise P.S. Arwal Case No. 315 of 2025 instituted under Sections 30(a) of the Bihar Prohibitionn and Excise Amendment Act lodged on 08.10.2024 by the informant, Kumar Gaurav.

3. As per the prosecution story, the informant alleged that on secret information, it intercepted vista car and there is recovery/seizure of 99 liters of foreign liquor. Lokesh Kumar was arrested and later, petitioner being owner of the car, his name also came.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession.



Lokesh Kumar has taken the car and resulted into this FIR. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Jehanabad for the purchase of flower pots through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt has to be submitted before the Trial Court.

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 he owns the car.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)**, the petitioner do not have criminal antecedent and the recovery/seizure is from the Lokesh Kumar, in that background, this Court is



inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Jehanabad for the purchase of flower pots through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt has to be submitted before the Trial Court.

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 Excise P.S. Arwal Case No. 315 of 2025 to the satisfaction of learned special Judge, Excise-1I, Jehanabad 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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