

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88146 of 2025

Arising Out of PS. Case No.-380 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Bhadai Mahato Son of Bhola Mahato Resident of Village - Dubauli, P.S.-
Baikunthpur, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the State : Mr. Ajay Kumar Jha, 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 Baikunthpur P.S. Case No. 380 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 02.10.2025 by the informant, Mahesh Paswan.

3. As per the prosecution story, the Police alleged that on secret information, the Police reached the place and there is recovery/seizure of 21 liter country made liquor from the bottle kept in the bamboo orchid. This led to the FIR.

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

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 has been named by the chowkidaar.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery/seizure is from an open, the petitioner do not have criminal antecedent, 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 Additional District & Sessions Judge-XIII-cum-Special Excise Court No.1, Gopalganj in connection with Baikunthpur P.S. Case No. 380 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 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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