

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88109 of 2025

Arising Out of PS. Case No.-241 Year-2025 Thana- MUSAHARI District- Muzaffarpur

1. Dipu Kumar S/o Late Sunil Ray R/O Village- Gopalpur Taraura, P.S.- Mushahari, District- Muzaffarpur
2. Ranjit Kumar S/o Parikshan Sahni R/O Village- Gopalpur Taraura, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mushahri P.S. Case No. 241 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 07.10.2025 by the informant, Shivnath Hazra.

3. As per the prosecution story, the informant alleged that on secret information, a Ford Car was standing in front of the house of the petitioner no.1 was intercepted and there is recovery/seizure of 106.92 liter foreign liquor. As the information was regarding the movement of wine through these accused persons, they have been named in the F.I.R.



4. Learned counsel for the petitioners submit that neither they own the vehicle nor anything to do with the recovery/seizure. Further, they do not have 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 the Police has got information about the presence of the liquor which followed the raid.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that they do not own the car nor have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-III, Muzaffarpur in connection with Mushahri P.S. Case No. 241 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners 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 petitioners 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 petitioners 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)

vinayak/-

U		T	
---	--	---	--

