

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88074 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- ANTICHAK District- Bhagalpur

1. Arbind Pahariya S/O Gopal Pahariya Resident of village-Kutubpur Pahariya Tola situated at Chandani Chowk, Police Station-Anti Chak, District-Bhagalpur.
2. Arun Pahariya S/O Gopal Pahariya. Resident of village-Kutubpur Pahariya Tola situated at Chandani Chowk, Police Station-Anti Chak, District-Bhagalpur.
3. Bijya Pahariya @ Bijna Pahariya Son of Laxmi Pahariya. Resident of village-Kutubpur Pahariya Tola situated at Chandani Chowk, Police Station-Anti Chak, District-Bhagalpur.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Dr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, 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 Antichak P.S. Case No. 113 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.10.2025 by the informant, Dharmnath Rai.

3. As per the prosecution story, the Police on secret information, recovered/seized 64 liter country made liquor behind the poultry farm, the *Chowkidar* named this petitioner. Accordingly, the FIR.

4. It is the case of the petitioner that nothing has been



recovered from their conscious possession rather from an open place, only because the *Chowkidar* named, implicated. Further, none have criminal antecedent.

5. Further, learned counsel for the petitioners 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 *Chowkidar* has named him.

7. 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 from an open place, they do not 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) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bhagalpur in connection with Antichak P.S. Case No. 113 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 their 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for six months to mark their 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 their bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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

