

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88024 of 2025

Arising Out of PS. Case No.-183 Year-2025 Thana- SIRISIYA District- West Champaran

Rajnish Ram S/O Triveni Ram R/O Village- Laxmipur, Kauwaha, P.S-
Sirisiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, 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 Sirisiya P.S. Case No. 183 of 2025 instituted under Sections 30(a) of the Bihar Prohibitionn and Excise Amendment Act lodged on 06.11.2025 by the informant, Anant Kumar.

3. As per the prosecution story, the informant alleged that on secret information, reached the place and there is recovery/seizure of 35 liters of country made liquor beside 500 liters of raw materials and the utensils to manufacture country made liquor. The raw materials were destroyed. The Chowkidar



gave name of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the recovery is from an open place, he 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 of 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 Chowkidar named him.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)**, nothing has been recovered from his conscious possession, the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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 Sirisiya P.S. Case No. 183 of 2025 to the satisfaction of learned special Judge, Excise-1st, Bettiah, West Champaran 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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