

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8635 of 2026

Arising Out of PS. Case No.-58 Year-2022 Thana- KALUAHI District- Madhubani

Ganour Yadav @ Ganaura Yadav S/o Ram Julum Yadav R/o Vill- Postapur,
Pindaruch, ward no 4,P.S-Keoti, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2026 Heard Ms. Kumari Pallavi, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Kaluahi P.S. Case No. 58 of 2022 for the offence under sections 147, 148, 353, 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 10.05.2022.

3. As per the prosecution story, the Police intercepted a motorcycle and there is recovery/seizure of 49.2 liters of Nepali Sofi. Once the motorcycle was seized and the seizure list prepared and as the Police was returning, it is alleged that accused persons including thirty unknown ladies tried to take away the seized materials hindering their work. This led to the FIR.



4. Learned counsel for the petitioner submits that the motorcycle was sold much earlier but got implicated as the transfer was not complete, he do not have any criminal antecedent nor anything to do with the subsequent part of protest against the Police. She further submits that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he intends to contribute Rs. 5,000/- to the Chief Minister's Relief Fund.

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 not only the recovery/seizure is from his motorcycle, allegation is that the accused tried to block the Police officials from doing their job.



7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have any criminal antecedent, the motorcycle was sold a year earlier, as submitted, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned trial Court.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. 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 Exclusive Special Judge, Excise, Madhubani in connection with Kaluahi P.S. Case No. 58 of 2022 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 be appearing before the Police



Station as and when required for cooperating in the investigation;

(iii) 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;

(iv) 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;

(v) 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;

(vi) 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)

Adnan/-

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