

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8475 of 2026

Arising Out of PS. Case No.-135 Year-2022 Thana- RIVILGANJ District- Saran

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1. Mukesh Rai S/o Jhilim Rai @ Sonalal Rai @ Sona Dhari Rai @ Sonali Ray @ Sonolala Ray @ Mohan Rai @ Sona Lal Ray R/o vill - Naya Basti Ajayabgan, P.S.- Bhagwanbazar, Distt.- Saran
 2. Rakesh Rai @ Rakesh Kumar S/o Jhilim Rai @ Sonalal Rai @ Sona Dhari Rai @ Sonali Ray @ Sonolala Ray @ Mohan Rai @ Sona Lal Ray R/o vill - Naya Basti Ajayabgan, P.S.- Bhagwanbazar, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Rivilganj P.S. Case No. 135 of 2022 for the offence under sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act lodged on 01.05.2022 by the informant, Prabhu Dayal Singh.

3. As per the prosecution story, the informant alleged that Police on secret information, raided the Diara area and found manufacturing of the country-made liquor. Altogether 270 liters of liquor recovered/seized and the locals gave the names of these petitioners. This led to the FIR.

4. Learned counsel for the petitioners submit that



nothing has been recovered from their conscious possession, only because of their criminal antecedent, implicated and they will not indulge in any further criminal activity failing which, steps be taken for the cancellation of the bail bond.

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 they have criminal antecedents.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that there is no recovery from their conscious possession and nor from their house, in that background, this Court is inclined to extend him 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 Exclusive Special Excise Judge Saran at Chapra in connection with Rivilganj P.S. Case No. 135 of 2022 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 be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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;

(iv) the petitioners shall appear before the concerned police station every fortnight 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;

(v) 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;

(vi) 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)

Adnan/-

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