

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8444 of 2026

Arising Out of PS. Case No.-454 Year-2025 Thana- RANIYATALAB District- Patna

Deepak Kumar Son of Rajpal Saw Resident of Ekbalganj Nisarpura, P.S.-
Ranitalab, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Krishna Nishant, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2026 Heard Mr. Gopal Krishna Nishant, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection
with Ranitalab P.S. Case No. 454 of 2024 for the offence under
sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police on the secret
information, raided the hut and there is recovery/seizure of 39.90 liter
foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he has
two criminal antecedents and only because of that, got implicated. He
is a labour and not the owner of the hut.

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 he has 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 the hut does not belong to him, as submitted, is a labour, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. 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 Special Excise Judge, Danapur in connection with Ranitalab P.S. Case No. 454 of 2024 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(s) shall be appearing before the Police Station as and when required for co-operating 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)

Vijay Singh/-

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