

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8556 of 2026**

Arising Out of PS. Case No.-484 Year-2025 Thana- MIRGANJ District- Gopalganj

1. Rajkumar Singh @ Bullet Singh S/o- Bircha Singh R/v- Barkagaon, Tola Pakariyar, PS- Mirganj, District- Gopalganj
2. Kishore Singh @ Rajkishore Singh S/o- Janardhan Singh R/v- Barkagaon, Tola Pakariyar, PS- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-02-2026      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mirganj P.S. Case No. 484 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 01.10.2025 by the informant, Santosh Kumar.

3. As per the prosecution story, the Police on secret information raided the poultry farm and there is recovery/seizure of 160.00 liters of country made liquor. Rohit Kumar was arrested and he gave the names of the petitioners. This led to the FIR.

4. Learned counsel for the petitioners submit that they do not own the poultry farm, their names have come in the



confessional statement of Rohit Kumar and nothing has been recovered from their conscious possession.

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 both have criminal antecedent.

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 Rohit Kumar and not from the conscious possession of these petitioners, 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) each with two sureties of like amount each to the satisfaction of learned Court of District and Additional Sessions Judge-IV -cum- Exclusive Special Excise Court-II, Gopalganj in connection with Mirganj P.S. Case No. 484 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 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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