

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8452 of 2026

Arising Out of PS. Case No.-1159 Year-2024 Thana- Excise P.S. District- Kishanganj

Aman Raj Gautam S/o- Harchhath Village- Sairpur, P.S.- Fatehpur, District-
Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akash Raj, Adv. Ms. Nikita Mittal, Adv.
For the Opposite Party/s	:	Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection
with Excise P.S. Case No. 1159 of 2024 for the offence under
sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police intercepted a
Toyota vehicle and there is recovery of 0.750 foreign liquor. This led
to the FIR.

4. Learned counsel for the petitioner submits that because
of him being the owner of the Toyota, got implicated. The occupants
already stand arrested, he do not have criminal antecedent either.

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 being the owner, cannot exonerate himself from the responsibility.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that recovery is from the persons who were already sitting in the car, petitioner is the owner having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. However, if 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 Special Judge (Excise) Court-II, Kishanganj in connection with Excise P.S. Case No. 1159 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 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)

Vijay Singh/-

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