

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8437 of 2026

Arising Out of PS. Case No.-1171 Year-2023 Thana- Excise P.S. District- Kishanganj

Ram Prakash Sah Son of Shri Ram Chandra Sah Resident of Rolbagh ward
no. 30, P.S. - Kishanganj, Dist. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv. Ms. Ashmita Bharti, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Special Case No. 1213 of 2023 arising out of Madya Nisedh P.S. Case No. 1171 of 2023 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 motorcycle and there is recovery/seizure of 36 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycle is owned by him but was driven by Deepak Kumar and only because he is owner, got implicated. The petitioner do



not have criminal antecedent.

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 he do not have criminal antecedent and recovery/seizure is from Deepak Kumar, as submitted, 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 Exclusive Special Judge (Excise)-II, Kishanganj in connection with Special Case No. 1213 of 2023 arising out of Madya Nisedh P.S. Case No. 1171 of 2023 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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