

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15358 of 2026

Arising Out of PS. Case No.-680 Year-2024 Thana- ISLAMPUR District- Nalanda

Rakesh Sapera @ Rakesh Nut Son of Suren Nut @ Soren Sapera R/o Vill. -
Khatolna Bigha, P.S - Islampur, Dist. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2026 Heard Mr. Birendra Kumar, learned counsel for the
petitioner and Mr.Bishweshwar Ram, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Islampur P.S. Case No. 680 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.12.2024 by the informant, Suman Saurabh.

3. As per the prosecution story, the informant alleged that on secret information the place was raided and near the temple of Khatolna Bigha village, there is a recovery of 30 litres of country-made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from an open place. Only because he has criminal antecedent, the local due to



enmity have named him.

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 the petitioner has two 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 recovery / seizure is near the temple not from his conscious possession, 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 Exclusive Special Excise Judge IInd,



Hilsa, Nalanda in connection with Islampur P.S. Case No. 680 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 shall be appearing before the Police Station as and when required for cooperating 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)

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