

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15414 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- GHORASAHAN District- East Champaran

1. SURESH BHAGAT @ SURESH PRASAD CHAURASIYA S/o Lakshman Bhagat Resident of village- Lala Tola Laukhan, PS- Ghorasahan, District- East Champaran
2. Sunil Kumar @ Sunil Bhagat S/o Suresh Bhagat @ Suresh Prasad Chaurasiya Resident of village- Lala Tola Laukhan, PS- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ujjwal Kumar Singh, Advocate
For the State	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Ghorasahan P.S. Case No. 05 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.01.2026 by the informant, Rajendra Paswan.

3. As per the prosecution story, the informant alleged that on secret information during the vehicle checking a tempo and a motorcycle were intercepted and there is recovery/seizure of 426 liters of Nepali Liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that neither they own the motorcycle nor the tempo, only because of



criminal antecedent, implicated.

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 they 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 nothing have been recovered from their conscious possession nor they own the vehicles, in that background, this Court is inclined to extend them 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 Exclusive Special Excise Court No.03,
East Champaran at Motihari in connection with Ghorasahan P.S.
Case No. 05 of 2026 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 his bail bond by the Trial Court itself;

(iv) the petitioners 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 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 his bail bonds.

(Rajiv Roy, J)

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