

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21655 of 2026**

Arising Out of PS. Case No.-31 Year-2026 Thana- INDUSTRIAL AREA District- Vaishali

1. Chandi Devi W/o- Harendra Paswan Village- Hilalpur Ward no-03 PS- Industrial Area Dist- Vaishali
2. Ganaur Paswan S/o- Harendra Paswan Village- Hilalpur Ward no-03 PS- Industrial Area Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

2      16-04-2026                      Heard      Mr.Vasant Vikas, learned counsel for the  
petitioners and the State.

2. The petitioners are apprehending arrest in connection with Industrial Area Police Station Case No. 31 of 2026 registered for the offence under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 10.02.2026 by the informant, Sadre Alam.

3. As per the prosecution story, the informant alleged that on secret information about selling of illegal liquor from the house, the place was raided and there is recovery/seizure of 9 liters of country made liquor from the plastic bucket. The 'Chowkidar' named these petitioners which led to the FIR.



4. Learned counsel for the petitioners submit that while the lady has no criminal antecedent, the petitioner no.2, the son has one criminal antecedent. They have been repeatedly framed by the local 'Chowkidar'.

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 the 'Chowkidar' has named them.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)**, nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Industrial Area Police Station Case No. 31 of 2026 to the satisfaction of learned Excl. Spl. Excise Court No.I-cum Additional District & Sessions Judge, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 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 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)**

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