

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20755 of 2026

Arising Out of PS. Case No.-325 Year-2025 Thana- LAKHAURA District- East Champaran

1. Santosh Kumar @ Santosh Sahani S/O Paras Sahani R/v- Bahuari PS- Lakhaura Dist- East Champaran
2. Nagendra Kumar @ Nagendra Sahani S/o- Paras Sahani R/v- Bahuari PS- Lakhaura Dist- East Champaran
3. Ragho Kumar S/o- Paras Sahani R/v- Bahuari PS- Lakhaura Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Vikram, Advocate
For the State	:	Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Lakhaura P.S. Case No. 325 of 2025 for the offence under sections 30(a), 32 and 41(i) of the Bihar Prohibition and Excise Act, lodged on 17.11.2025 by the informant, Deepak Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the Police raided the place and there is recovery/seizure of 100 liter country made liquor, the locals including the 'Chowkidar' gave the name of the three petitioners which led to the F.I.R..



4. Learned counsel for the petitioners submit that there is enmity with the 'Chowkidar' and he has deliberately named all the three brothers. Though two of them are having criminal antecedent which is not related to Excise Act, petitioner no.3 has no criminal antecedent.

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 locals have named them.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the nothing has been recovered from their conscious possession, 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 Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Lakhaura P.S. Case No. 325 of 2025 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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