

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20783 of 2026

Arising Out of PS. Case No.-97 Year-2026 Thana- PARSA District- Saran

Shankar Patel @ Shankar Prasad Son of Bigan Prasad R/o Village - Gopalpur
Bari, P.S. - Mashrakh, Dist. - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Shweta Anand, Advocate
	:	Ms. Astha, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026 Heard Mrs. Shweta Anand, learned counsel for the
petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Parsa P.S. Case No. 97 of 2026 for the offence under sections 30(a), 41(1) and 32 of the Bihar Prohibition and Excise Act lodged on 25.02.2026 by the informant, Omprakash.

3. As per the prosecution story, the Police on secret information about transportation of large quantity of spirit liquor, raided the line hotel near Rewa Ghat Bridge, those present tried to escape, one Vinay Kumar Lal Sah was apprehended and on his disclosure a traveler four wheeler was intercepted. This led to recovery/seizure of 960 liter spirit liquor. It was informed by the driver that it belongs to Ahishek Nishad.



On further interrogation those apprehended informed that this petitioner is part of the team which are indulged in the business of spirit liquor and his wife is also involved in the case. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he owns the vehicle nor anything recovered from his conscious possession, those alongwith the vehicle as also near the line hotel were intercepted/arrested but only on suspicion, he has been named.

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 has criminal antecedent and Vinay Kumar Lal Sah has named him as part of the team.

7. Considering the submissions of the parties and the



judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession nor he owns the vehicle as recorded above, 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 3rd Special Judge Excise, Saran at Chapra in connection with Parsa P.S. Case No. 97 of 2026 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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