

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21639 of 2026**

Arising Out of PS. Case No.-129 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Jamui

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Awadhesh Kumar Yadav @ Avdesh Yadav Son of Late Sudin Yadav Resident  
of Village- Tilakpur, P.S.- Khaira, District- Jamui, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Ankita Kumari, Advocate  
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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

2      16-04-2026                      Heard   Ms.Ankita Kumari, learned counsel for the  
  
petitioner and the State.

2. The petitioner is apprehending arrest in connection  
with Khaira G.O. Comp. P.S Case no. 129 C2 of 2020  
registered under sections 30(a) of the Bihar Prohibition and  
Excise Amendment Act, 2022 lodged on 15.06.2020 by the  
informant, Shiv Nandan Singh.

3. As per the prosecution story, the informant alleged  
that during interception of the motorcycle, 20 liters of country  
made liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that  
nothing has been recovered from his conscious possession nor  
the motorcycle belongs to him. Further, he do not have criminal



antecedent.

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 his name has been given by some of the villagers.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have criminal antecedent nor he owns the motorcycle, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner 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) with two sureties of the like amount each in connection with Khaira G.O. Comp. P.S



Case no. 129 C2 of 2020 to the satisfaction of learned Exclusive Excise Court-II, Jamui 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 petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 day for one month and later every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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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