

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20466 of 2026

Arising Out of PS. Case No.-571 Year-2025 Thana- DARIYAPUR District- Saran

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Santosh Prasad @ Santosh Kumar Prasad S/O Binod Prasad Resident Of
Village- Tarwan Mangarpal, P.o.- Tarwan Mangarpal, P.s.- Dariyapur, Dist.-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026 Heard Mr. Prabhat Kumar Singh, learned counsel for

the petitioner and the State.

2. The petitioner is apprehending his arrest in
connection with Dariyapur P.S. Case No. 571 of 2025 for the
offence under sections 30(a) of the Bihar Prohibition and Excise
Act.

3. As per the prosecution story, the Police on secret
information, intercepted a motorcycle and there is
recovery/seizure of 750 ml foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only
because he earlier used to own the motorcycle, got implicated.
Actually, it was sold to one Mithilesh Kumar but since the
vehicle was not transferred in his name, got implicated. The last



submission is that the petitioner 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 he is the owner of the motorcycle.

7. Considering the submissions of the parties, as recorded above, coupled with the fact that he has no criminal antecedent and the judgment in the case of **Ram Vinay Yadav (supra)**, 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 Additional Sessions Judge-cum-Exclusive Special Court Excise Act-1, Saran, Chapra in connection with Dariyapur P.S. Case No. 571 of 2025 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(s) shall be appearing before the Police Station as and when required for co-operating 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)

Vijay Singh/-

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