

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20871 of 2026

Arising Out of PS. Case No.-105 Year-2025 Thana- EXCISE UDAKISHUNGANJ District-
Madhepura

=====

Vikash Sahani @ Vikash Kumar sahani S/O Late Upendar Sahni R/O Vill.-
Jharkhand Tola, Ward No. 07, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Pooja Prasad, Advocate
For the State	:	Mr. Ramesh Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2026 Heard Ms. Pooja Prasad, learned counsel for the
petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Udakishunganj Excise P.S. Case No. 105 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 05.06.2025 by the informant, Rinki Kumari.

3. As per the prosecution story, the Police on secret information constituted a team and raided the place, the recovery/seizure records as 55 liter of country made liquor and 105 liter raw materials. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent, implicated by those



inimical to him. He actually is a labour living outside the State, if granted relief, he shall not indulge in further criminal activity failure to do so the State shall be taking steps for cancellation of his bail bond.

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.

7. Taking into account 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 and an undertaking has been given that he shall not indulge in any further criminal activity failure to do so the State shall be taking steps for cancellation of his bail bond, 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 District & Additional Sessions Judge-VII-cum Special Judge Excise-II, Madhepura in connection with Udakishunganj Excise P.S. Case No. 105 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 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)

vinayak/-

U		T	
---	--	---	--

