

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20473 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- ALAMGANJ District- Patna

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1. Jitendra Kumar @ Jitendra Rai S/o- Late Arjun Rai @ Arjun Ray R/v- Diwan Muhalla Hemampar Ps- Khajekalan Dist- Patna
 2. Vikku Kumar @ Vikku Rai S/o- Late Arjun Rai @ Arjun Ray R/v- Diwan Muhalla Hemampar Ps- Khajekalan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-04-2026 Learned counsel for the petitioner prays for withdrawal of the anticipatory bail application of petitioner no. 1, Jitendra Kumar @ Jitendra Rai.

2. Accordingly, the anticipatory bail application of petitioner no. 1, Jitendra Kumar @ Jitendra Rai is rejected.

3. Heard the parties.

4. The petitioner is apprehending his arrest in connection with Alamganj P.S. Case No. 114 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

5. As per the prosecution story, the informant alleged that a scooty was intercepted and there is recovery/seizure of



192 litre country made liquor which led to the FIR.

6. Learned counsel for the petitioner submits that the petitioner no. 2, Vikku Kumar is not the owner of the scooty and only because he has one criminal antecedent, that too not under the excise act that he has been implicated along with other co-accused.

7. 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.

8. Learned APP opposes the prayer submitting that the Police had information about this person.

9. 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, in that background, this Court is inclined to extend the petitioner no. 2, Vikku Kumar the privilege of anticipatory bail with



conditions.

10. Let the petitioner no. 2, Vikku Kumar 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 Exclusive Special Court of Excise, Patna City, District- Patna in connection with Alamganj P.S. Case No. 114 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 2, Vikku Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Vikku Kumar shall be appearing before the Police Station as and when required for co-operating in the investigation;

(iii) the petitioner no. 2, Vikku Kumar 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 no. 2, Vikku Kumar 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 no. 2, Vikku Kumar 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 no. 2, Vikku Kumar 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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