

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20843 of 2026

Arising Out of PS. Case No.-207 Year-2025 Thana- Excise Thana Hajipur District- Vaishali

Basant Kumar Singh S/o- Late Ram Raj Singh @ Ramraj Singh R/v-
Hasanpur Hasanpur Juned Ps- Mahanar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Ray, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-04-2026 Heard Mr. Hemant Ray, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Hajipur Excise P.S. Case No. 207 of 2025, registered under sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act lodged on 07.07.2025 by the informant, Abhinav Kumar.

3. As per the prosecution story, the Police intercepted a Baleno Car and there is recovery/seizure of 110.340 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the car was being driven by the driver, the petitioner being the owner, got implicated only because he has criminal antecedent of one such excise case, though he has two 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 vehicle.

7. Learned counsel for the petitioner submits that he is ready to put in his attendance for every day for next one month before the concerned police station and if it is found that he is indulged in any criminal activity in future, the State can take steps for cancellation of present bail bond, if he is granted relief.

8. 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, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.



9. 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 Hajipur Excise P.S. Case No. 207 of 2025 to the satisfaction of learned Special Excise Court No.2, Vaishali 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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