

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25487 of 2026

Arising Out of PS. Case No.-17 Year-2026 Thana- Tilak Rai Ka Hata District- Buxar

Surendra Singh @ Surendra Kumar Singh S/o- Ram Dular Singh @ Ramdula
singh R/v- Chhotaka Rajpur Ps- Tilak Rai Ke Hata Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026 Heard Mr.Dr.Kamal Deo Sharma, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Tilak Rai Ke Hata P.S. Case No. 17 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 15.02.2026 by the informant, Md. Aftab Alam.

3. As per the prosecution story, the informant alleged that during patrolling duty, on secret information, a four wheeler was intercepted and there is recovery/seizure of 234.72 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he owns the vehicle nor was driving it but only because of criminal antecedent, he has been named. Last submission is irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to



the District Legal Services Authority, Buxar for purchase of flower pots in the Civil Court, Buxar through Demand Draft issued by the local branch of the State Bank of India.

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 the petitioner has criminal antecedent.

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, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Buxar for purchase of flower pots in the Civil Court, Buxar through Demand Draft issued by the local branch of the State Bank of India.

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 Tilak Rai Ke Hata P.S. Case No. 17 of 2026 to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Buxar 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.

10. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Buxar for his perusal and needful.

(Rajiv Roy, J)

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