

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25512 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- CHAPRA MUFFASIL District- Saran

Rahul Rai @ Rahul Kumar Son of Bhola Rai R/o Village - Sadha, P.S. -
Chapra Mufassil, Dist. - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No.24 of 2026 for the offence under section 30(a) of Bihar Prohibition and Excise Act lodged on 12.01.2026 by the informant, Binay Kumar Yadav.

3. As per the prosecution story, on information, the police party raided the place of occurrence and 180 litres of illicit liquor has been recovered from the spot. This led to the FIR.

4. Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner and the petitioner has no criminal antecedent. Learned counsel further submits that Mohan Rai, who was apprehended gave the name of the petitioner.

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 Mohan Rai is named in the F.I.R.

7. Taking into account the submissions of the parties as also that he does not have criminal antecedent as also the Judgment in the case of Ram Vinay Yadav vs. State of Bihar (supra), 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 Ist Special Judge Excise, Saran at Chapra in connection with Muffasil P.S. Case No.24 of 2026, subject to the following conditions :-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document (Aadhaar Card/Voter ID Card/Pan Card/Driving) to show his/her bona fide;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every month 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;

(iv) 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;

(v) 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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