

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25509 of 2026

Arising Out of PS. Case No.-74 Year-2026 Thana- NASRIGANJ District- Rohtas

1. Purushottam Sah @ Purushottam Prasad S/o Yogendra Sah @ Yogendra Saw
Resident of village- Amiawar, P.S- Nasriganj, Dist- Rohtas
2. Mantosh Chaudhary @ Mantosh Kumar S/o Lalji Chaudhary Resident of
village- Amiawar, P.S- Nasriganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Nasriganj P.S. Case No. 74 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 28.02.2026 by the informant, Bhushan Paswan.

3. As per the prosecution story, the police intercepted a two wheeler and there is recovery/seizure of 17 liters of country made mahua which led to the FIR.

4. Learned counsel for the petitioners submit that none of them are owner of the two wheeler and have been implicated only because they have criminal antecedent, got implicated.



5. Further, learned counsel for the petitioners 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 they have criminal antecedent.

7. Considering the categorical statement by the learned counsel for the petitioner that they do not own the vehicle as also the further submission put forward by him, as also and the judgment of **Ram Vinay Yadav (supra)**, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that any of them owns the said vehicle, the order shall become infunctious so far as that petitioners are concerned.

8. Let the petitioners 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) each with two



sureties of the like amount each in connection with Nasriganj P.S. Case No. 74 of 2026 to the satisfaction of learned Excl. Spl. Excise Judge-II, Sasaram 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their 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;

(iv) the petitioners 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 petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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