

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25477 of 2026

Arising Out of PS. Case No.-124 Year-2026 Thana- BUDDHACOLONY District- Patna

Govind Nandan S/o Shailesh Nath Niraj R/o Village- Khotlraitha, Bikram,
P.O. and P.S.- Bikram, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Roushan Kumar, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Buddha Colony P.S Case No. 124/2026 under section 30(a) and 37 of Bihar Excise and Prohibition Act and amended Act 2022 lodged on 27.02.2026 by the informant, Monu Kumar.

3. As per the prosecution story, the informant alleged that on secret information and having found that some persons are abusing public under drunken state, they were rounded of upon using the breath analyzer were found to have consumed the alcohol beside 260 ml English wine was also recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that the petitioner is a young man, having no criminal antecedent and only because he was strolling there, got implicated.



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.

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 he do not have criminal antecedent, 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 Buddha Colony P.S Case No. 124/2026 to the satisfaction of learned learned Judge Excise-01, Patna 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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