

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25789 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- Excise P.S. District- Katihar

Meghan Kumar @ Meghan Singh S/o Bhagwat Prasad Singh @ Bhagwat Singh R/o - Udama Rekha, PS- Muffasil, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026 Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 322 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 13.09.2025 by the informant, Ravi Kishore Prasad.

3. As per the prosecution story, the informant alleged that on secret information, the pick up van was intercepted and there is recovery/seizure of 749.460 liters of foreign liquor. One Raj Kumar was apprehended who gave the name of this petitioner as the person who handed over the pick up van to him near the over-bridge. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he has criminal antecedent nor he owns the vehicle or at



any point of time, was driver of the aforesaid pick up van, only because Raj Kumar has been apprehended and gave his name, implicated. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Katihar for beautification/putting up flower pots in the Civil Court Campus of Katihar Judgeship 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 apprehended person has named him.

7. 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 nor he owns the vehicle and has no criminal antecedent, in that background, this Court is inclined to extend



him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/-/- to the District Legal Services Authority, Katihar for beautification/putting up flower pots in the Civil Court Campus of Katihar Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Katihar.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. 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 Court of Exclusive Special Judge, Excise Court No. 1, Katihar in connection with Excise P.S. Case No. 322 of 2025 subject to the following conditions:

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

(v) the petitioner shall in no way try to induce or promise or threaten 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. A copy of the order be sent to the Principal District and Sessions Judge, Katihar for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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