

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27857 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- NADI P.S. District- Patna

Ajit Kumar S/o Jhimi Ray @ Jhimilal Ray R/o Hematpur, P.S.- Raghapur,
District- Vaishali A/P In front of H.P. petrol Pump, in Didarganj Police Station
jurisdiction, Simli Murarpur, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritu Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2026 Heard Mr. Kritu Verma, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Nadi P.S. Case No. 77 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 01.03.2026 by the informant, Devkaran Banti.

3. As per the prosecution story, the informant came to know that from a boat, a big consignment of country made liquor is coming. Accordingly, it was raided and from 21 bags, 1260 country made mahua recovered/seized. Upon inquiry, the locals informed that the boat belongs to this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that due



to a local politics, he has been named in the FIR as a boat owner. He has recorded in paragraph 8 that the petitioner has no concerned with the said boat. Further, even otherwise a recovery/seizure is from a static boat near the river and not from the conscious possession and the last submission is that he do not have any criminal antecedent.

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 as per the FIR, he owns the boat.

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 has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory



bail with conditions.

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 Exclusive Special Judge, Excise, Patna City in connection with Nadi P.S. Case No. 77 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 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 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)

Adnan/-

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