

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25764 of 2026

Arising Out of PS. Case No.-519 Year-2025 Thana- Excise P.S. District- Darbhanga

Vimal Raj Gupta @ Vimal @ Vikky Sah S/o- Dhruv Narayan Gupta @ Dhruv Narayan Sah R/O village - Daruvati Chowk Bakarganj, Laheriasarai, P.S - Laheriasarai, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.

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

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 Excise Sadar P.S. Case No. 519 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information about movement of liquor on a pick up van and then through the cart, the said cart was intercepted and there is recovery/seizure of altogether 406.080 foreign liquor. Though the cart pullers gave the name of this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that neither the pick up van nor the cart belongs to him nor anything



recovered from his conscious possession, only because the cart pullers tried to shift the responsibility on him, got implicated, though he concede that he has one criminal antecedent.

5. The further submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Darbhanga for the purchase of flower pots for the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. 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.

7. Learned APP opposes the prayer submitting that the cart pullers have named him.

8. 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, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.10,000/- to the District Legal Services Authority, Darbhanga for the purchase of flower pots for the Civil Court Campus of Darbhanga Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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 Special Judge-I, Darbhanga in connection with Excise Sadar P.S. Case No. 519 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(s) shall be appearing before the Police Station as and when required for co-operating 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.

10. Let a copy of this order be sent to the learned Principal District and Sessions Judge, Darbhanga for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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