

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27839 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- R S P.S. District- Araria

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1. Chandan Sah @ chandan kumar sah Son of Dulachand Sah @ Dularchand sah R/O Village- Manikbara, Ward No. 11, P.S.- Simraha, District- Araria
 2. Chotu Kumar Son of Nathan Sah @ Naththan Sah R/O Village- Manikbara, Ward No. 11, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Manisha Khushi, Advocate
For the State	:	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-04-2026 Heard Ms. Manisha Khushi, learned counsel for the petitioner and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with R.S. P.S. Case No. 16 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 27.01.2026 by the informant, Ankur.

3. As per the prosecution story, the informant alleged that two four wheeler vehicle, a Fortuner and Maruti Suzuki Car were intercepted and while some managed to escape, other apprehended. They gave the name of these petitioners and from the two vehicles, there is recovery/seizure of 443.330 liter foreign liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that only because of criminal antecedent, they got implicated, nothing has been recovered from their conscious possession nor they own



the vehicle. Further, if granted relief, they shall not indulge in any criminal activity and if their name comes in any other case, the State may take steps for cancellation of bail bond. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.7,500/- each (totaling Rs.15,000/-) by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Araria for the installation of music system in the Civil Court, Araria.

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 those apprehended 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 the petitioner do not own the vehicle, nor anything recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs.7,500/- each (totaling Rs.15,000/-) by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Araria for the installation of music system in the Civil Court, Araria at the time of execution of bail bond.

8. 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Araria in connection with R.S. P.S. Case No. 16 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.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Araria for perusal and needful.

(Rajiv Roy, J)

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