

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25479 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- MALSALAMI District- Patna

Arvind Kumar S/o Ramashankar Sahani @ Kanpuriya Resident Of Village -
Nuruddinganj Ghat Kinare, P.s. - Malsalami, Dist. - Patna. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner is apprehending arrest in connection with Malsalami P.S. Case No. 114 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.02.2026 by the informant, Sanjay Kumar Singh.

3. As per the prosecution story, the Police upon secret information, reached the place and there is recovery/seizure of 900 liters of country made mahua wine. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and only because of criminal antecedent, got implicated. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the District Legal Services Authority, Patna City Court for purchase of flower pots in the Civil Court,



Patna City 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 petitioner has criminal antecedent.

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 that nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend



him the privilege of anticipatory bail subject to the Rs.5000/- to the District Legal Services Authority, Patna City Court for purchase of flower pots in the Civil Court, Patna City 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 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 Malsalami P.S. Case No. 114 of 2026 to the satisfaction of learned Special Judge Excise, Patna City 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.

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

(Rajiv Roy, J)

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