

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29519 of 2026

Arising Out of PS. Case No.-12 Year-2026 Thana- ANTICHAK District- Bhagalpur

1. Bikash Yadav @ Bikash Kumar S/o Sagari Yadav R/o Village - Bhawanipur, P.S. - Rangra, Dist. - Bhagalpur.
2. Rahul Yadav @ Rahul Kumar @ Kumar S/o Subhash Yadav R/o Village - Latra, P.S. - Gopalpur, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Perna Anand, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Antichak P.S. Case No. 12 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and Bharat Mahto, Subhash Kumar and Manish Kumar were apprehended and from Tata Magic vehicle there is recovery/seizure of 203.250 liters Indian made foreign liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that the Tata Magic do not belong to the two petitioners, admittedly,



three accused persons have been apprehended who out of enmity gave the names. Further, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 7,500/- each (totalling Rs. 15,000/-) to the District Legal Services Authority, Bhagalpur for putting up flower pots in the Civil Court Campus of Bhagalpur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Further, learned counsel for the petitioners 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 one of the petitioner has criminal antecedent and those apprehended gave the names.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that the petitioners do not own the vehicle, 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 (totalling Rs. 15,000/-) to the District Legal Services Authority, Bhagalpur for putting up flower pots in the Civil Court Campus of Bhagalpur 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, Bhagalpur.

8. Let the petitioners 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 Special Judge Excise-I, Bhagalpur in connection with Antichak P.S. Case No. 12 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;



(iii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for six months to mark their 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 petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. A copy of the order be sent to the Principal District and Sessions Judge, Bhagalpur for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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