

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27795 of 2026

Arising Out of PS. Case No.-394 Year-2025 Thana- DURGAWATI District- Kaimur (Bhabua)

Hari Yadav S/O Birmukh Yadav R/O vill- Badshara, Ps- Ramgarh, Dist-
Kaimur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

None

For the State

:

Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-04-2026 No one appears on behalf of the petitioner though
State is present.

2. The petitioner is apprehending his arrest in connection with Durgawati P.S. Case No. 394 of 2025 for the offence under sections 30(a) and 45 of the Bihar Prohibition and Excise Act lodged on 18.12.2025 by the informant, Sanjay Kumar Yadav.

3. As per the prosecution story, the Police intercepted the vehicle and the son and nephew of the petitioner was arrested with 80 liter country made liquor. This led to the FIR.

4. As per the petition, the petitioner owns the motorcycle and it was being driven by his son and nephew, nothing has been recovered from his conscious possession, he



has no 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.

7. Considering the aforesaid facts and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner has no criminal antecedent and 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.

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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Excise) No.-II,



Kaimur At Bhabhua in connection with Durgawati P.S. Case No. 394 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 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)

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