

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27877 of 2026

Arising Out of PS. Case No.-116 Year-2026 Thana- RAJAOLI District- Nawada

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1. Santosh Yadav Son of Late Sheo Balak Yadav Resident of Village- Jogni, P.S.- Rajauli, District- Nawada
 2. Kaushal Kumar Son of Munna Yadav Resident of Village- Jogni, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Rajaoli P.S. Case No. 116 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 02.03.2026 by the informant, Sachin Kumar.

3. As per the prosecution story, the Police, on secret information, reached the place and though the accused managed to escape, from the wheat field, there is recovery/seizure of 31.5 liters country-made liquor and 18 liters of beer. The *chowkidar* identified the person who escaped, petitioners included. This led to the FIR.

4. Learned counsel for the petitioners submit that the



recovery is from an open place and nothing has been recovered from their conscious possession. The *chowkidar* has named them only because they have criminal antecedent.

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 both the petitioners have criminal antecedent.

7. 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 their conscious possession and the recovery is from an open place, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Exclusive Special Excise Judge-II, Nawada in connection with Rajaoli P.S. Case No. 116 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.

(Rajiv Roy, J)

Adnan/-

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