

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29570 of 2026

Arising Out of PS. Case No.-92 Year-2026 Thana- KAUWAKOL District- Nawada

1. Somar Hembram @ Somara Hembram S/o Hazu Hembram R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
2. Barku Hembram @ Barku Soren S/o Chunu Hembram R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
3. Rahul Soren S/o Mangar Soren R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
4. Sanjay Marandi S/o Chuhu Marandi R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
5. Ravi Marandi @ Ravi @ Nayake Marandi S/o Chuhu Marandi R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
6. Sanjay Marandi @ Silash Marandi S/o Chuhu Marandi R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada
7. Larka Marandi @ Manjhlur Marandi S/o Chuhu Marandi R/o vill - Gayghat, P.S.- Kawakol, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parashuram Singh, Advocate
For the State	:	Mr. Renuka Ratnakar, APP

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 Kawakol P.S. Case No. 92 of 2026 for the offence under sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act lodged on 16.02.2026 by the informant, Rinku Kumar.

3. As per the prosecution story, the Police on secret



information about selling of the liquor, raided the place and beside half prepared mahua solution (6000 liter), 100 liters country made liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioners submit that everyone on the said place stands implicated as accused, none have criminal antecedent, there is no recovery from their conscious possession.

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 the name of the petitioners cropped up.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that they do not have criminal antecedent, nothing recovered from their conscious possession, 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 Extra Special Excise Judge-II, Nawada in connection with Kawakol P.S. Case No. 92 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 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 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 his bail bonds.

(Rajiv Roy, J)

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