

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27180 of 2026

Arising Out of PS. Case No.-100 Year-2025 Thana- KAMTAUL District- Darbhanga

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Ajay Kumar Son of Shri Vishwanath Ray Resident of At- Mahua Singh Ray,
Ward No. 01, P.S.- Mahua, District - Vaishali, Bihar 844122

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2026 Heard Mr. Rajesh Ranjan, learned counsel for the

petitioner and Mr. Umesh Lal Verma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kamtaul P.S. Case No. 100 of 2025, F.I.R dated 07.05.2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2016.

3. Recovery is of 632.880 liters of Indian made Foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case and he is not named in the FIR. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the



F.I.R as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the pick-up van in question and the petitioner has been made accused in this case merely on the basis that he is the registered owner of the vehicle in question. He next submits that the petitioner has sold his vehicle to one Uttam Kumar on 30.10.2024 itself (Annexure-2) and similarly situated co-accused person, namely, Sanjay Kumar @ Sanjay @ Sanjay Thakur has been granted the privilege of anticipatory bail by this Court vide order dated 24.07.2025 in Cr. Misc. No.44793 of 2025 and another co-accused person, namely, Bittu thakur @ Bikash Thakur has been granted the privilege of anticipatory bail by a co-ordinate Bench this Court vide order dated 12.01.2026 in Cr. Misc. No.91031 of 2025. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full



Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts that nothing has been recovered from conscious possession of the petitioner and he has been made accused in this case merely on the basis that he is the registered owner of the vehicle in question and similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court or co-ordinate Bench of this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, 1st Excise Act, Darbhanga in connection with Kamtaul P.S. Case No. 100 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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