

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29547 of 2026

Arising Out of PS. Case No.-409 Year-2025 Thana- PALASI District- Araria

Rijay Kumar Sah @ Raju Sah @ Raju Kumar Sah @ Rijay Sah Son of Natthu Sah @ Naththu sah R/o Village - Balua Kaliyaganj, Ward No. 05, Baniya Tola, P.S.- Palasi, District - Araria, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kanchan Jha, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-05-2026 Heard Mrs. Kanchan Jha, learned counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Palasi P.S. Case No. 409 of 2025 instituted under Sections 126(2), 115(2), 132, 352 of BNS and 30(a), 45 of the Bihar Prohibition and Excise Act, 2022 lodged on 12.10.2025 by the informant, Amit Raj.

3. As per the prosecution story, the police upon secret information, intercepted a motorcycle and there is recovery/seizure of 8.7 liters of Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycle was taken away by the 'Chowkidar' and in turn,



now he stands implicated. Further, repeatedly without any reason, he has been named which reflects from para-03. Submission is that if this time, relief is granted and any fresh FIR lodged against him, the relief extended be withdrawn.

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 submitting that the petitioner has 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 his conscious possession, an undertaking has been given as recorded above, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event



of his arrest or surrender before the concerned court 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 the like amount each in connection with Palasi P.S. Case No. 409 of 2025 to the satisfaction of learned District and Additional Sessions Judge cum Exclusive Special Excise Judge, Excise-II, Araria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 day for one month and later every month for next one year to mark his attendance and at the end of the



period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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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