

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49175 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- BUXAR District- Buxar

Sanjay Singh S/O Kapil Muni Singh R/O Village- Orap Khurd, P.S.- Sikraul,
Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Buxar(T) P.S. Case No. 90 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 25.02.2025 by the informant, Thakur Chandan Singh.

3. As per the prosecution story, the police, on secret information, searched a E-rickshaw and there is recovery/seizure of 19.8 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly E-rickshaw was parked at an open place, nothing recovered from his conscious possession, only because of ownership, he got implicated. Last submission is that he do not have 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 submitting that he is the owner of the vehicle.

7. Considering the submissions aforesaid and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession nor the petitioner has criminal antecedent, 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 Buxar(T) P.S. Case No. 90 of 2025 to the satisfaction of learned Exclusive Special



Excise Court No.-1, Buxar 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 month for next six months 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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