

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31256 of 2026

Arising Out of PS. Case No.-120 Year-2026 Thana- KARAKAT District- Rohtas

Vishal @ Vishal Kumar Son of Kameshwar Paswan Resident Of Village Nad,
P.S.- Karakat, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-05-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Karakat P.S. Case No. 120 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 13.03.2026 by the informant, Shyam Kishore.

3. As per the prosecution story, the informant alleged that on secret information about movement of liquor, the place was raided and there is recovery/seizure of 18.100 liters of country made liquor from the field. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession nor he has criminal antecedent, only due to enmity, the locals have named him.

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, Mr. Bharat Bhushan opposes the prayer submitting that on secret information about the liquor, the place was raided.

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 or from the house, 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 Karakat P.S. Case No. 120 of 2026 to the satisfaction of learned Exclusive Special



Judge, Excise Court No.I, Rohtas at Sasaram 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 fortnight 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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