

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31278 of 2026

Arising Out of PS. Case No.-874 Year-2025 Thana- Excise P.S. District- Aurangabad

Jay Mangal Singh son of Basudeo Singh Resident of village- Jarmakhap, Ps-
Jamhore, Dist- Aurangabad Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 874 of 2025, for the offence under section 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act 2018 lodged on 19.08.2025 by the informant, Chandra Bhushan Prasad.

3. As per the prosecution story, the Police intercepted a Pick Up Van and there is recovery/seizure 400 liters of spirit. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he is the owner, got implicated, actually it was being driven by the driver and the petitioner had no knowledge about it. He do not have criminal antecedent. Last submission is that irrespective of the outcome of the present case and/or accepting



the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Aurangabad for putting up flower pots in the Civil Court Campus of Aurangabad judgeship through Demand Draft issued by the local State Bank of India branch/Any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Aurangabad.

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 being the owner, he cannot exonerate himself from the responsibility.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also the petitioner has no criminal antecedent, in that



background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Aurangabad for putting up flower pots in the Civil Court Campus of Aurangabad judgeship through Demand Draft issued by the local State Bank of India branch/Any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Aurangabad.

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 Excise P.S. Case No. 874 of 2025 to the satisfaction of learned Special Judge, Excise -II, Aurangabad 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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