

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34535 of 2026

Arising Out of PS. Case No.-76 Year-2026 Thana- KHAIRA District- Saran

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1. Madan Rai @ Madan Kumar Ray S/O Munna Lal Rai @ Munnilal Ray Resident of Vill.- Dumari, P.S.- Khaira, Dist.- Saran.
 2. Guddu Rai @ Guddu Kumar Ray S/O Sheo Kumar Rai Resident of Vill.- Dumari, P.S.- Khaira, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-05-2026 No one appears on behalf of the petitioner though the State is appearing through virtual mode.

2. The petitioners are apprehending their arrest in connection with Khaira P.S. Case No. 76 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.03.2026 by the informant, Deendayal Rai.

3. As per the prosecution story, the Police on information raided the place and 19.44 liters country made liquor recovered. This led to the FIR.

4. As per the petition, nothing has been recovered from his conscious possession and due to village politics, implicated.

5. Further, this Court has also 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 has one 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 recovery is not from his conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, Saran at Chapra in connection with Khaira P.S. Case No. 76 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police



Station as and when required for cooperating in the investigation;

(iii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioners shall in no way try to induce or promise or threaten 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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