

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35396 of 2026

Arising Out of PS. Case No.-118 Year-2026 Thana- RAJAOLI District- Nawada

Shaligram Kumar S/O Late Ganauri Rajvanshi Resident of Bhaur Hardiya,
Police Station- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Kshem Sharma, Advocate
	:	Mr. Dr. Manoj Kumar, Advocate
For the State	:	Mrs. Renuka Ratanakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2026 Heard Mrs. Kshem Sharma, learned counsel for
the petitioner and learned APP representing the State through
virtual mode.

2. The petitioner is apprehending his arrest in
connection with Rajauli P.S. Case No. 118 of 2026 for the
offence under sections 30(a) of the Bihar Prohibition and
Excise Act lodged on 03.03.2026 by the informant, Pawan
Kumar.

3. As per the prosecution story, the Police intercepted
a motorcycle and recovered/seized 75 liter country made
liquor and the name of the petitioner cropped up. This led to



the FIR.

4. Learned counsel for the petitioner submits that neither he is the owner nor the driver of the said motorcycle, only due to enmity his name has dragged in the case, further he has no 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.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not own the vehicle nor has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court-II, Nawada in connection with Rajauli P.S. Case No. 118 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document 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 fortnight for six months to mark his 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 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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