

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34975 of 2026

Arising Out of PS. Case No.-102 Year-2026 Thana- GORAUL District- Vaishali

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1. Vikash Kumar S/o Mrityunjay Roy R/o village - Karhatiya Buzurg, P.S - (Kathara), Goraul, District - Vaishali
 2. Vicky Rai @ Vicky Kumar S/o Sanjay Rai R/o village - Karhatiya Buzurg, P.S - (Kathara), Goraul, District - Vaishali
 3. Pradip Paswan @ Pradip Kumar S/o Ram Bilas Paswan R/o village - Karhatiya Buzurg, P.S - (Kathara), Goraul, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocae
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Garaul (Kathara) P.S. Case No. 102 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 22.02.2026 by the informant, Pintu Kumar.

3. As per the prosecution story, the police on secret information, raided the place behind the Banana plantation of Vikash Kumar and there is recovery/seizure of 19 liters of country made liquor. 'Chowkidar' named them. This led to the FIR.



4. Learned counsel for the petitioners submit that a perusal of the FIR would show that the recovery/seizure is from an open place and not from their conscious possession.

5. Further, learned counsel for the petitioners 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 of 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 both the petitioners have criminal antecedent.

7. Taking into account the submissions of the parties and the judgment of **Ram Vinay Yadav (supra)**, as also that the recovery is from the Banana plantation and not from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners 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) each with two



sureties of the like amount each in connection with / Garaul (Kathara) P.S. Case No. 102 of 2026 to the satisfaction of learned Excl. Spl. Excise Court No.1 cum District and Additional Sessions Judge, Vaishali at Hajipur 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 petitioners who shall provide official document to show his/her bona fide;

(ii) 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their 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;

(iv) the petitioners 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;



(v) 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)

Ravi/S.Prasad

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