

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34982 of 2026

Arising Out of PS. Case No.-107 Year-2026 Thana- PANAPUR District- Saran

1. Rohit Singh @ Rohit Kumar Singh Son of Nageshwar Singh Resident of village- Khajuri Ps- Pananpr District -Saran
2. Kundan Kumar son of Suresh Pandit Resident of village- Khajuri Ps- Pananpr District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prasoon Kumar, Adv.

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2026

1. Heard the parties through virtual mode.

2. The petitioners are apprehend their arrest in connection with Panapur P.S. Case No. 107 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution story, the police, on secret information, raided the *basbari (jhadi)* near the house of the petitioners and there is recovery/seizure 144 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from their conscious possession and that they have been falsely implicated only because of criminal



antecedent and due to enmity.

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, Ms. Suman Kumari Singh opposes the prayer submitting that he has 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 the place of recovery, FIR is there, there shall be facing a trial., in that background this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Panapur P.S. Case No. 107 of 2026 to the satisfaction of learned Exclusive Special



Excise Judge, 2nd Court, Saran at Chapra 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 (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every day for one month and later every fortnight 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;

(v) 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;

(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)

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