

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35435 of 2026**

Arising Out of PS. Case No.-31 Year-2026 Thana- IMADPUR District- Bhojpur

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1. Nagmani Pasi @ Nagmani Kumar S/O Santosh Pasi @ Santosh Pashi R/o Vill- Charugram (Bihta), P.S.-Imadpur, District-Bhojpur (Bihar).
  2. Raja Kumar S/o Late Manoj Pasi R/o Vill- Charugram (Bihta), P.S.-Imadpur, District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-05-2026                      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Imadpur P.S. Case No. 31 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police on secret information, intercepted a *tempo* and there is recovery/seizure of 294 liters of country made liquor. Golu Kumar who was driving the vehicle got arrested and he gave the name of these petitioners as the persons who are responsible for the movement of liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that a



perusal of the paragraph 3 would show that they do not have any criminal antecedent and before the Police, Golu Kumar forced to name them and nothing has been recovered 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 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 arrested person has named them.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from their conscious possession and they do not have any criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the



statement made in paragraph-3, the petitioners have criminal antecedent, the present order shall become infructuous.

9. 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 concerned Court in connection with Imadpur P.S. Case No. 31 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 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)**

Adnan/-

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