

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34968 of 2026

Arising Out of PS. Case No.-154 Year-2026 Thana- LAURIA District- West Champaran

Shyam Kumar S/O Nandu Rai Resident of Village- Bharwa Toli, Lauriya, PS-
Lauriya, Distt-West Champaran, Bettiah, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2026 This case is being heard through virtual mode.

2. No one appears on behalf of the petitioner though
Mr. Jitendra Kumar, learned APP for the State is present.

3. The petitioner is apprehending arrest in connection
with Lauriya P.S. Case No. 154 of 2026 instituted under
Sections 274, 275, 30(a) of the Bihar Prohibition and Excise
Amendment Act lodged on 23.03.2026 by the informant, Amit
Kumar.

4. As per the prosecution story, the Police raided the
place and there is recovery/seizure of 8.4 liters of foreign liquor.
This led to the FIR.

5. The contention in the anticipatory bail application
is that the recovery/seizure is near the Ashok Pillar which
cannot be considered under his conscious possession.



6. 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.

7. Learned APP opposes the prayer submitting that the petitioner has one criminal antecedent.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also the place of recovery, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner 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) with two sureties of the like amount each in connection with Lauriya P.S. Case No. 154 of 2026 to the satisfaction of learned Exclusive Special Judge, Excise Court No.II, Bettiah, West Champaran 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 petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 day for one month and later every fortnight for next six months to mark his 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 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)

Ravi/S.Prasad

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