

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34547 of 2026

Arising Out of PS. Case No.-42 Year-2026 Thana- KARPURIGRAM District- Samastipur

RAJU RAI @ RAJU YADAV Son of Devendra Ray @ Devendra Yadav
Resident of Naua Chak, Bhagwatpur, P.S.- Sarairanjan, Dist.- Samastipur,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2026 Heard the parties through virtual mode.

2. The petitioner is apprehending his arrest in connection with Karpoorigram P.S. Case No. 42 of 2026 for the offence under sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police during night patrolling and on secret information, intercepted a truck having Nagaland number and there is recovery/seizure of 882 liters of foreign liquor. Two persons namely Sarfaraz Khan and Md. Sahil were arrested and there is recovery/seizure of mobile from one of the accused. The *chowkidar* gave the name of those who managed to escape as Rakesh Mishra, Phulbabu, Suraj Kumar, Jitendra Sah and Deepak Kumar. This led to the FIR.



4. Learned counsel for the petitioner submits that a perusal of the FIR would show that he has not been named but during the interrogation, the allegation has come that the consignment was ordered by this petitioner alongwith Guddu Das and Manish Yadav. The same is bereft of any merit and only because he has criminal antecedent, the present case. The last submission is that if granted relief, the petitioner shall not indulge in any criminal case, failing which, the present bail bond be cancelled.

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 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 FIR has not named him and it has cropped up only during investigation, as recorded above, and an undertaking has been given that he shall not indulge in any criminal activity henceforth, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. It is however made clear that if the name of the petitioner has come in any criminal activity henceforth and the FIR is lodged, the State shall take immediate steps for cancellation of the bail bond.

9. 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 Judge Excise-I, Samastipur in connection with Karpoorigram P.S. Case No. 42 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 one year 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)

Adnan/-

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