

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35013 of 2026

Arising Out of PS. Case No.-299 Year-2025 Thana- Excise P.S. District- Araria

Abdhesh Kumar Mandal @ Abdhesh Mandal @ Awadhesh Kumar S/o
Parmeshwar Mandal Resident of village - Hulas, Ward No. 03, Police Station
- Raghapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2026

1. Heard the parties through virtual mode.

2. The petitioner is apprehending arrest in connection with Araria Excise P.S. Case No. 299 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution story, the police intercepted three motorcycles and there is recovery/seizure of 39.00 liters, 36 liters and 17.925 liters of Nepali liquor respectively, totaling 92.925 liters, which led to the FIR.

4. Learned counsel for the petitioner submits that he owns one of the motorcycles from which 36 liters of Nepali wine was recovered and it was earlier shown in the name of one Chandan Kumar Yadav, but due to the fact that it was not



transferred in his name, he has been implicated.

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, Mr. Ram Naresh Ray opposes the prayer submitting that he owns the motorcycle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner does not have criminal antecedent, in that background 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 Araria Excise P.S. Case No. 299 of 2025 to the satisfaction of learned Exclusive Special



Judge Excise Court No. 2, Araria Patna City, Patna 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)

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