

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35422 of 2026

Arising Out of PS. Case No.-62 Year-2026 Thana- LAKHNAUR District- Madhubani

1. Manoj Kumar @ Manoj Kumar Mahto S/o Ugeshwar Mahto R/o vill - Bela, P.S.- Lakhnaur, Dist.- Madhubani
2. Ram Balak Kumar S/o Ram Chandra Mahto R/o vill - Bela, P.S.- Lakhnaur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2026 Heard the parties through virtual mode.

2. The petitioners are apprehending their arrest in connection with Lakhnaur P.S. Case No. 62 of 2026 for the offence under sections 274, 275 and 3(5) of the BNS and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police on secret information, raided the place and behind the Panchayat Bhawan, there is recovery/seizure of 201 liters of foreign liquor. The *chowkidar* named the petitioners which led to the FIR.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that the recovery/seizure is from behind the Panchayat Bhawan and not from their conscious



possession but the *chowkidar* has named them.

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 the *chowkidar* has given the name of the petitioners.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery is not 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 the concerned Court in connection with Lakhnaur P.S. Case No. 62 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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