

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38781 of 2026

Arising Out of PS. Case No.-204 Year-2026 Thana- GARKHA District- Saran

1. Raj Kishor Nut S/o Budhu Nut R/o Village- Pithaghat, Police station- Garkha, District- Saran
2. Raju Nut @ Raju Nat S/o Dewa Nut R/o Village- Pithaghat, Police station- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sachida Nand Rai, Advocate
For the State	:	Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-06-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 204 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.02.2026 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged that the Police on secret information about selling of country made liquor by Raj Kishor Nut and Raju Nut, raided the place and there is recovery/seizure of 20 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioners submit that only because of criminal antecedent, the Police repeatedly implicates



them. The fact remains that a perusal of the F.I.R. would show that nothing has been recovered either from their conscious possession or their houses rather from outside, if granted relief, they shall not indulge in any criminal activity.

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 they have 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 nothing has been recovered from their houses, an undertaking has been given that they shall not be indulging in any criminal activity and cooperating in the investigation, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.



8. 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) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Garkha P.S. Case No. 204 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 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 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 his bail bonds.

(Rajiv Roy, J)

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