

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37767 of 2026

Arising Out of PS. Case No.-404 Year-2025 Thana- BANIAPUR District- Saran

Suraj Kumar Sah S/o Late Fagu Sah R/o Village- Lauwan Kalan/Lauwa Hata,
P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
	:	Mr. Kumar Shashwat Anand, Advocate
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2026 Heard Mr. Kumar Shashwat Anand, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 404 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 13.09.2025 by the informant, Ashok Pal.

3. As per the prosecution story, the informant alleged that the Police on secret information intercepted a motorcycle and there is recovery/seizure of 2.36 liter foreign liquor. Though the person driving it escaped, his name cropped up as Jaglal Sah, brother of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the motorcycle and as such, got implicated in the case, it



was taken away by his brother Jaglal Sah.

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 the petitioner 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 he do not have criminal antecedent nor anything recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. 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 Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Baniyapur P.S. Case No. 404 of 2025 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 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 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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