

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38786 of 2026

Arising Out of PS. Case No.-113 Year-2026 Thana- PANAPUR District- Saran

Om Prakash Sah S/O Late Rajendar Sah R/O Village- Ubhawa Sarangpur,
P.O.- Rampur Rudra, P.S.- Panapur, Distt.- Saran at Chapra- 841424.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-06-2026 Heard Mr. Jeetendra Narayan, learned counsel for
the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Panapur P.S. Case No. 113 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.04.2026 by the informant, Krishna Kumar Sharma.

3. As per the prosecution story, the informant alleged that on secret information raided the Godown and there is recovery/seizure of 5 liter spirit from Godown of the petitioner and when Jai Prakash was arrested who gave the name of this petitioner. Later, near the bushes of the house of the Mithlesh Manjhi and Ajay Manjhi, there is another recover of 7.200 liter foreign liquor. This led to the FIR.



4. Learned counsel for the petitioner submits that though he owns the Godown, had no knowledge about the presence of liquor, his brother got implicated whereafter his name cropped up, he do not have criminal antecedent.

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 Godown belongs to him.

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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Panapur P.S. Case No. 113 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 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)

vinayak/-

U		T	
---	--	---	--

