

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37720 of 2026

Arising Out of PS. Case No.-87 Year-2026 Thana- BHAPTIAHI District- Supaul

Sunil Kumar Mandal Son of Ramroop Mandal Resident of Ward No. -7,
Chandpipar, P.S.- Bhaptiyahi, District- Supaul, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aditi Medha, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-07-2026 Heard Ms. Aditi Medha, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bhaptiyahi P.S. Case No. 87 of 2026 for the offence
registered under sections 30(a) of Bihar Prohibition Excise Act.

3. As per the prosecution story, the Police alleged that
on tips that this petitioner is in the business of selling liquor,
along with the Police Personnel reached the place and near the
house of the petitioner and from the washroom of Jadish Yadav,
there is recovery/seizure of 99 liter country made liquor. The
locals gave the name of this petitioner which led to the FIR.

4. Learned Counsel for the petitioner submits that
only because of criminal antecedent, he has been implicated.
The FIR clearly shows that it has been recovered from the



washroom of Jagdish Yadav and if granted relief, he shall ensure that no such case is lodged against him failing which the relief granted, if any, be withdrawn.

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 for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has 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 recovery/seizure is not from conscious possession of this petitioner, as recorded above, in that background, this Court is inclined to grant him the 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 Exclusive Spl. Excise Court-1, Supaul in connection with Bhaptiyahi P.S. Case No. 87 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(s) shall be appearing before the Police Station as and when required for co-operating 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)

Vijay Singh/-

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