

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37736 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- ISHUPUR BARAHAT District- Bhagalpur

Abhay Kumar Das S/O Janardan Das @ Janardan Harijan R/O Village-
Rampur, Jaytipur, P.S- Shivnaranpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-07-2026 Heard Mr. Diwakar Upadhyay, learned counsel
for the petitioner and Mr. Nirmal Kumar Singha, learned APP
for the State.

2. The petitioner is apprehending his arrest in connection with Ishipur Barahat P.S. Case No. 21 of 2026 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.02.2026 by the informant Manish Kumar.

3. As per the prosecution story, the police on secret information intercepted the motorcycle and there is a recovery/seizure of 15.75 liters foreign liquor. Ashutosh Kumar and Molu Kumar were arrested and the FIR lodged.

4. Learned counsel for the petitioner submit that Ashutosh is his son and only because the motorcycle registered



in the name of the petitioner, got implicated and 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 being the owner of the motorcycle, he cannot exonerate himself from the allegation.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that Ashutosh and Molu stand arrested along with the liquor, this petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

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 Special Judge Excise-01, cum- Additional Sessions Judge-IX, Bhagalpur in connection with Ishipur Barahat. P.S. Case No. 21 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 (Aadhar Card/Voter Id/Driving License/Pan Card) 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/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of 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 bail bonds.

(Rajiv Roy, J)

sanny/-

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

