

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37737 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- SAHAJITPUR District- Saran

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1. Rahul Kumar @ Rahul Rawat Son of Jayaprakash Ravat Resident of village- Shreepur, Ps- Sahajitpur Dist- Saran at Chapra
 2. Nitish Kumar @ Nitesh Rawat @ Nitish Rawat Son of Umesh Ravat Resident of village- Sitab Diyara, Ps- Rivilganj, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-07-2026 Heard Mr. Ajit Kumar, learned senior counsel for the
petitioner and the State

2. The petitioners are apprehending their arrest in connection with Sahajitpur P.S. Case No. 91 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 30.03.2026 by the informant, Dinesh Paswan.

3. As per the prosecution story, the police on secret information raided the place and though the accused managed to escape, from a sack 30 liters country made liquor recovered/seized, the locals gave the name which followed the F.I.R.

4. Learned counsel for the petitioner submits that a



bare perusal of the F.I.R. would show that recovery/seizure is from an open place and not from their conscious possession. Further, only because of the criminal antecedent, they got implicated.

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 locals gave the name before the Police.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the fact that recovery/seizure is from an open place, not from their conscious possession, 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) each with two sureties of like amount each to the satisfaction of learned Court of Special Judge (Excise) -2, Saran at Chapra in connection with Sahajitpur P.S. Case No. 91 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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