

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37755 of 2026

Arising Out of PS. Case No.-224 Year-2026 Thana- BIRAUL District- Darbhanga

SANTOSH MUKHIYA S/o Late Ram Lakhan Mukhiya Resident of Village-
Hathi, Police Station- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2026 Heard Mr. Sujata Kumari, learned counsel for the
petitioner and the State.

2. The petitioners are apprehending his arrest in connection with Biraul P.S. Case No. 224 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 20.04.2026 by the informant, Jay Narayan Yadav.

3. As per the prosecution story, the police intercepted the motorcycle which was also have met with an accident with a four wheeler and from it, there is a recovery/seizure of 3.500 liters of country made liquor.

4. Learned counsel for the petitioner submits that only because he has criminal antecedent and owns the Motorcycle, got implicated. Actually, after the collision, only to implicate and seize the motorcycle, the present case has been lodged.

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 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 the fact that nothing has been 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 Exclusive Special Judge (Excise Act) -II, Darbhanga in connection with Biraul P.S. Case No. 224 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 threaten 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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