

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43854 of 2026

Arising Out of PS. Case No.-137 Year-2025 Thana- BARHARA District- Bhojpur

=====

Rajeev Kumar S/o Mahesh Kumar Mahesh Resident of Village- Chauki, P.S.-
Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-07-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barhara P.S. Case No. 137 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that the foreign liquor was earlier seized and Barhara P.S. Case No. 135 of 2025 lodged later. The allegation is at the petitioner who was posted there along with other co-accused, managed to siphon of 17.25 liter as also 12 liter of foreign liquor from the seized cartoons. This led to the FIR.

4. Learned counsel for the petitioner submits that only due to rivalry between the parties and the accused were having inimical terms as he had seized the vehicle, the false implication has been made. He is a Police Officer and has to face the music



both on the criminal as also the civil side.

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 despite being the Police official, he managed to siphon of the seized liquor.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he is a Police Officer having no criminal antecedent, FIR is there, he shall be facing the trial, 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 1st Exclusive Special Excise Court, Bhojpur, Ara in



connection with Barhara P.S. Case No. 137 of 2025 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 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;

(v) 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/-

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

