

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47616 of 2026**

Arising Out of PS. Case No.-462 Year-2026 Thana- Excise P.S. District- Gaya

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Kaleshar Kumar @ Kaleshwar Saw @ Kaleshar Saw Son of Sarju Saw  
Resident of Village - Bhagwaniya, P.S.- Chatra, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate  
For the State : Mr. Pronoti Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-07-2026                      Heard Mr. Mrigendra Kumar, learned counsel for the  
  
petitioner duly assisted by Mrs. Kusum Kumari and learned APP  
representing the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 462 of 2026 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 03.04.2026 by the informant, Abhishek Kumar.

3. As per the prosecution story, the Police intercepted a Pick-Up Van coming from the Dobhi side and recovered/seized 738 liters of English Wine and 636 liters of Beer. This led to the FIR.

4. Learned counsel for the petitioner submits that it is a commercial vehicle used by the driver and only because the ownership lies with the petitioner, got implicated, he has no criminal antecedent. Last submission is that without accepting



the allegation or outcome of the petition the petitioner intends to pay Rs.50,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Gaya Ji for the installation of Water Purifier in the in the Civil Court Campus, of Gaya Ji Judgeship (to be installed for the litigants in the public place/verandah).

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 is the owner of the said vehicle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.50,000/- by



Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to the District Legal Services Authority, Gaya Ji for the installation of Water Purifier in the Civil Court Campus of Gaya Ji Judgeship (to be installed for the litigants in the public place/verandah) and the receipt has to be submitted before the Trial Court the the D.L.S.A., Gaya Ji.

8. However, if it is found that contrary to the paragraph no.3 of the petition, the petitioner has criminal antecedent, the present order shall become infructuous.

9. 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 Excise Court No.3, Gaya Ji in connection with Excise P.S. Case No. 462 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 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 bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every month 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.

10. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Gaya Ji for perusal and needful.

**(Rajiv Roy, J)**

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