

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43913 of 2026

Arising Out of PS. Case No.-274 Year-2026 Thana- NAUTAN District- West Champaran

Rajan Kumar @ Rajan Yadav Son of Jitendra Yadav Resident of Village-
Naurahi Ward No. 15, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Nautna P.S. Case No. 274 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 27.05.2026 by the informant, Indradeo Yadav.

3. As per the prosecution story, the Police intercepted a motorcycle and there is recovery/seizure of 23.040 liters of foreign liquor. The local Chowkidar gave the name of this petitioner which led to the FIR.

4. Learned counsel for the petitioner submits that neither anything has been recovered from his conscious possession nor he owns the motorcycle. Further, the petitioner do not have criminal antecedent but due to enmity, the Chowkidar named him.



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 Chowkidar named him.

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, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Nautna P.S. Case No. 274 of 2026 to the satisfaction of learned Special Judge, Excise -1st, Bettiah, West Champaran subject to the conditions as laid



down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 day for one month and later every fortnight 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 his bail bonds.

(Rajiv Roy, J)

Ravi/-Ankita

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