

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47541 of 2026

Arising Out of PS. Case No.-212 Year-2026 Thana- RIGA District- Sitamarhi

1. Ramesh Kumar @ Ramesh Mandal S/o Papan Mandal R/o Village - Sinrahi, PS - Riga, District - Sitamarhi
2. Surendra Das S/o Baban das R/o Village - Mathwa, P.S - Riga, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Riga P.S. Case No. 212 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that during patrolling and upon receiving information, the Police intercepted a motorcycle and from it as also from the nearby sugarcane field, there is recovery/seizure of 324 liter Nepali wine. The locals gave the name of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that they are neither the owner nor were driving the vehicle and nor the sugarcane field belongs to them. Further, they have no criminal antecedent.



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. The last submission is that without accepting the allegation and/or the outcome of the present case, they intend to contribute Rs. 10,000/- each (totaling Rs. 20,000/-) to the District Legal Services Authority, Sitamarhi for the installation of Water Purifier in the Civil Court Campus of Sitamarhi Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer for anticipatory bail.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the vehicle as also the place of recovery has nothing to do with the petitioner, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- each (totaling Rs. 20,000/-) to the District Legal Services Authority, Sitamarhi for the installation



of Water Purifier in the Civil Court Campus of Sitamarhi Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Sitamarhi.

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) with two sureties of like amount each to the satisfaction of learned Court of Special Judge, Exclusive Excise Court No.-1, Sitamarhi in connection with Riga P.S. Case No. 212 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 petitioner(s) shall be appearing before the Police Station as and when required for co-operating 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 their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every month for six months to mark their 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. Let a copy of the order be sent to the Principal District and Sessions Judge, Sitamarhi for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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