

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47685 of 2026

Arising Out of PS. Case No.-72 Year-2026 Thana- AGRER District- Rohtas

Vijay Paswan @ Vijay Kumar S/o Bhagwan @ Sri Bhagwan Paswan @ Sri Bhagwa Ram Resident of Village - Kundwan, P.S.- Agrer, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-07-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Agrer P.S. Case No. 72 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 11.06.2026 by the informant, Ravindra Kumar Singh.

3. As per the prosecution story, the informant alleged that on secret information about the petitioner selling the liquor near his house, the Police proceeded to the place. The local gave the name of the person who escaped as this petitioner and from the bag which was left out, there is recovery of 10 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent nor anything recovered from his conscious possession. The police has recovered the liquor from



a bag and the locals named him due to enmity which led to his implication.

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 locals have 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, in that background, 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 Agrer P.S. Case No. 72 of 2026 to the satisfaction of learned Exclusive Special Judge Excise Court No.I, Rohtas at Sasaram 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)

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