

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47717 of 2026

Arising Out of PS. Case No.-17 Year-2026 Thana- Raghunathpur District- East Champaran

1. Manoj Sahani son of Shambhu Sahni @ Shambhu Sahani Resident of Village- Majhariya ,P.S-RaghunathPur ,District-East Champaran
2. Rabindra Kumar @ Rabindra Sahani Son of Late Baidhanath sahani Resident of Village- Majhariya ,P.S-RaghunathPur ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the State : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2026 Heard Vijay Shankar Shrivastava, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No. 17 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 09.01.2026 by the informant, Sikandra Paswan.

3. As per the prosecution story, the informant alleged that on secret information, the Police raided the place and there is recovery/seizure of 40 liter country made liquor from behind the house, the locals gave the name of the petitioners. This led to the FIR.

4. Learned counsel for the petitioners submits that the



locals due to enmity and as they have criminal antecedent, implicated. One of the person who is also part of the F.I.R. moved before a coordinate Bench in Cr. Misc. No.45918 of 2026 (Bikash Sahani vs. The State of Bihar) and has been granted relief on 09.07.2026.

5. Let the same be kept on record.

6. Further, learned counsel for the petitioners 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.

7. Learned APP opposes the prayer submitting that they have criminal antecedent.

8. Learned counsel for the petitioners submit that even the person who has been granted relief, Bikash Sahani had eight criminal antecedents.

9. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that nothing has been recovered from their conscious possession and one of the similar situate person has been granted relief by the coordinate Bench as recorded above, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Motihari, East Champaran in connection with Raghunathpur P.S. Case No. 17 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 petitioners shall be appearing before the Police Station as and when required for cooperating 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 his bail bond by the Trial Court itself;



(iv) the petitioners 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 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 petitioners 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)

vinayak/-

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

