

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47638 of 2026

Arising Out of PS. Case No.-966 Year-2026 Thana- Excise P.S. District- Muzaffarpur

1. Lakhpat Paswan S/o Sakal Paswan R/o Village - Jamalabad, PS - Ahiyapur, District - Muzaffarpur
2. Shushil Jha @ Sushil Kumar Jha S/o Damodar Jha R/o Village - Mithansarai, P.S - Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-07-2026 Heard Mrs. Rupa Kumari, learned counsel for the petitioners and Mr. Anand Kishore Choudhary for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 966 of 2026 for the offence under sections 30 (a) and 32 (3) of the Bihar Prohibition and Excise Act lodged on 28.05.2026 by the informant Niraj Kumar.

3. As per the prosecution story, the informant alleged that, on secret information, the Police reached the hut which was locked and after breaking the lock, there is recovery/seizure of 1298.160 liters of foreign wine. This led to the FIR.

4. Learned counsel for the petitioner submits that the hut is at an open place and has access to everyone and nothing has been recovered from his conscious possession. The last



submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- each (totalling Rs. 40,000/-) to the District Legal Services Authority, Muzaffarpur for installation of Water Purifying System in the Civil Court Campus of Muzaffarpur Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India.

5. 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.

6. Learned APP opposes the prayer submitting that the hut belongs to the petitioner no. 1, Lakhpat Paswan.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery/seizure is from the hut and not from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions



subject to payment of Rs. 20,000/- each (totalling Rs. 40,000/-) to the District Legal Services Authority, Muzaffarpur for installation of Water Purifying System in the Civil Court Campus of Muzaffarpur Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Muzaffarpur.

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) each with two sureties of like amount each to the satisfaction of Court concerned in connection with Excise P.S. Case No. 966 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 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 petitioners 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. A copy of the order be sent to the Principal District and Sessions Judge, Muzaffarpur for her perusal and needful.

(Rajiv Roy, J)

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