

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47626 of 2026

Arising Out of PS. Case No.-317 Year-2026 Thana- GORAUL District- Vaishali

-
1. Deepak kumar S/o Pramod Rai R/o Village - Sondho Basudeo, P.S - Goraul, District - Vaishali
 2. Naresh Matho S/o Shivjee Mahto R/o Village - Hasi Malahi, P.S - Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shilpa Kumari, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Goraul P.S. Case No. 317 of 2026 for the offences under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 22.05.2026 by the informant, Sunil Kumar.

3. As per the prosecution story, the informant alleged that on secret information, police entered the corn field of the petitioner/family and there is recovery/seizure of 311.7 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that though the field belongs to the family, it is an open field accessible to everyone and only to implicate, the liquor was placed in the field. Further submission is that both the petitioners do not have



criminal antecedent.

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

6. 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.

7. Learned APP opposes the prayer submitting that the recovery/seizure is from their own field.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that they do not have criminal antecedent and nothing has been recovered 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. 10,000/- each (totaling Rs. 20,000/-) to the District Legal Services Authority, Vaishali for the installation of Water Purifier in the Civil Court Campus of Vaishali Judgeship 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, Vaishali.

9. 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 Exclusive Special Excise Court No.1-cum-District and Additional Sessions Judge, Vaishali at Hajipur or successor court, Hajipur at Vaishali in connection with Goraul P.S. Case No. 317 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 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.

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

(Rajiv Roy, J)

ankita/-

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

