

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47662 of 2026

Arising Out of PS. Case No.-124 Year-2026 Thana- SONBERSA District- Sitamarhi

Khushi Kumar S/o Ramgir Rai @ Ramgir Pra. Yadav @ Ramgir Prasad
Yadav @ Ramgir Pra. Yadav R/o Village - Ramnagra @ Ramnagra Rasalpur,
P.S - Kanhauli, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2026 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa P.S. Case No. 124 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 13.05.2026, by the informant Digvijay Kumar Singh.

3. As per the prosecution story, the police on secret information intercepted a Scorpio vehicle, Dipu and Sujit were present in the vehicle and upon search, there is recovery/seizure of 792 liters of foreign liquor. They were arrested and gave the name of the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that he is neither the owner nor the driver of the vehicle and only because



he has been named by the arrested persons, got implicated. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs. 50,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Sitamarhi for the installation of water purifier (to be installed for the litigants in the public place/verandah) in the Civil Court Campus of Sitamarhi Judgeship.

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 arrested persons 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 nothing has been recovered from his conscious possession nor the vehicle belongs to him, in that background, this Court is inclined to extend him the privilege of anticipatory



bail with conditions subject to payment of Rs. 50,000/- to the District Legal Services Authority, Sitamarhi for installing Water Purifying System (to be installed for the litigants in the public place/verandah) 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 of the expenditure shall be submitted to the trial Court by the DLSA, Sitamarhi.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous,

9. Let the petitioner 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 conditions: in connection with subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document 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 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 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.

10. Let a copy of the order be sent to the learned Principal District & Sessions Judge, Sitamarhi for perusal and needful.

(Rajiv Roy, J)

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