

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48491 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- LAUKAHI District- Madhubani

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Anil Sah @ Anil Kumar Sah S/o Ayodhi Sah R/o Village - Ladaniya, PS -
Andhramath, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2026 Heard Mr. Jitendra Kumar Bharti, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Laukahi P.S. Case No. 05 of 2026 for the offence under sections 274, 275 and 3(5) of the B.N.S. and under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 20.01.2026 by the informant, Anand Kumar.

3. As per the prosecution story, the Police on secret information intercepted two motorcycles and there is recovery/seizure of 225 liters country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he do not own either of the motorcycle and only because of criminal antecedent, got implicated. Further submission is that



without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.20,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Madhubani for the installation of Water Purifying System (to be installed for the litigants in the public place/verandah) in the Civil Court Campus, Madhubani 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 he has criminal antecedent.

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 own the motorcycle nor anything recovered from his conscious possession, in that background, this Court is



inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.20,000/- by Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to the District Legal Services Authority, Madhubani for the installation of Water Purifying System (to be installed for the litigants in the public place/verandah) in the Civil Court Campus, Madhubani Judgeship and the receipt has to be submitted before the Trial Court.

8. 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 Exclusive Special Judge, Excise Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 05 of 2026 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.

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

(Rajiv Roy, J)

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