

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47663 of 2026

Arising Out of PS. Case No.-674 Year-2024 Thana- BARH District- Patna

Jay Nandan Prasad @ Jay Nandan Prasad Singh S/o Wanesshwar Pd. Singh
R/o Mohalla - Congress Maidan, P.S - Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-07-2026 Heard Ms. Anjali Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 674 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.09.2024 by the informant, Sudhir Kumar Gupta.

3. As per the prosecution story, the Police, on secret information, intercepted a scooty and there is recovery/seizure of 8 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and only because he earlier owned the scooty, got implicated. Subsequently, it was sold to Shyam Kumar in the year 2022 and the document to this effect stands annexed in the present



petition. The Last submission is that the petitioner do not have any criminal antecedent.

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 till date, the scooty is registered in his name.

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 have any criminal antecedent in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Court concerned in connection with Barh P.S. Case No. 674 of 2024 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.

(Rajiv Roy, J)

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