

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49139 of 2026

Arising Out of PS. Case No.-139 Year-2026 Thana- KALYANPUR District- Samastipur

1. Rakesh Chaudhary @ Rakesh Kumar Son of Ram Prasad Sahani @ Chaudhari @ Ram Prasad Sahni @ Ram Prashad Chaudhari Residents of Village- Madhopur Bhual, Police Station- Kalyanpur, District- Samastipur,
2. Sanjeet Chaudhary @ Sanjit Kumar Son of Sarwan Sahani @ Chaudhari @ Shrawan Sahni Residents of Village- Madhopur Bhual, Police Station- Kalyanpur, District- Samastipur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 139 of 2026 for the offences under sections 30(a) Bihar Prohibition and Excise Act, 2018 of the Bihar Prohibition and Excise Act lodged on 03.05.2026 by the informant, Geeta Kumari.

3. As per the prosecution story, on secret information about Ram Prasad Sahni/Sharvan Sahni manufacturing country made liquor, the place was raided and there is/are recovery of 180 liters country made liquor besides the manufacturing items. This led to the FIR.

4. Learned counsel for the petitioners submit that the



locals gave the name, even the preliminary information was regarding Ram Prasad Sahni and Sharvan Sahni. In any case, recovery/seizure is not from their conscious possession. Only because of one criminal antecedent, got implicated.

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 locals have named them.

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 their conscious possession, in that background, this Court is inclined to extend them 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 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 Judge (Excise)-1, Samastipur in connection with Kalyanpur P.S. Case No. 139 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 their 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 their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight 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 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 their bail bonds.

(Rajiv Roy, J)

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