

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49108 of 2026

Arising Out of PS. Case No.-74 Year-2018 Thana- ROSERA District- Samastipur

Shambhu Ray S/o Ram Prakash Ray R/V.-m Madhuvcan Khanpur, P.S.-
Khanpur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-07-2026 Learned counsel for the petitioner, at the outset, submits that he shall be donating a book worth Rs. 500/- to the Patna High Court Bar Association and the receipt shall be handed over to the office.

2. Heard the parties.

3. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 74 of 2018 for the offence under sections 30(a), 38(1) and 47 of the Bihar Prohibition and Excise Act lodged on 07.03.2018 by the informant, Braj Nandan Mehat.

4. As per the prosecution story, the informant alleged that, on secret information, the Police intercepted a Bajaj motorcycle. Deepak Kumar Yadav was riding it and there is recovery/seizure of 43.2 liters of foreign liquor. On query, he



gave information that one Gurudev Ray is also coming with liquor. Later, one motorcycle was also intercepted which was being driven by Pramod Prasad. This followed interception of the pick up van and one Kaushal Kumar was riding it and total forty five cartoons of foreign liquor (396.72 liters) were seized. This followed the interception of another auto and Shiv Chandra Jha was riding it, driven by Manjesh Kumar and another person sitting there was Fuchand Ray. From the said tempo, there is/are recovery of around 177 liters of foreign liquor. Altogether 617.67 liters of foreign liquor stands recovered/seized. This led to the FIR.

5. Learned counsel for the petitioner submits that he is connected with the recovery/seizure of around 177 liters of foreign liquor owner ship of which lies with him and his son, Manjesh Kumar was riding it. Only because of the ownership, he got implicated. He was earlier not named in the FIR, but later on, it seems that due to the ownership, he finds himself implicated and he do not have any criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services Authority, Samastipur for installation of Water Purifying System in the Civil Court Campus of Samastipur Judgeship (to be installed for the litigants in the



public place/verandah) through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

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 though he may not have criminal antecedent, it seems that he was not agile and being the owner, his name has cropped up later.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that his son stands implicated, he is the owner and do not have any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Samastipur for installing Water Purifying System (to be installed for the litigants in the public place/verandah) in the Civil Court Campus of Samastipur



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, Samastipur.

9. 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.

10. 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 the Court concerned in connection with Rosera P.S. Case No. 74 of 2018 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.

11. A copy of the order be sent to the Principal District and Sessions Judge, Samastipur for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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