

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49077 of 2026

Arising Out of PS. Case No.-154 Year-2026 Thana- PAROO District- Muzaffarpur

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Ajay Ray @ Ajay Kumar Son of Bhola Ray Resident of Village- Damodarpur,
P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Paroo P.S. Case No. 154 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, the Police reached near Rajendra Mahto's bamboo grove. Those present tried to escape but the Chowkidar gave the names, the petitioner included. Upon search, from the nearby forest, there is recovery/seizure of 138.240 liter foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, recovery/seizure is from the forest and not from the conscious possession, only because he has a criminal antecedent of the year 2019, 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. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Muzaffarpur for the installation of Water Purifier in the Civil Court Campus of Muzaffarpur 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.

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 recovery/seizure is from an open place and not from 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/- to the District Legal Services Authority, Muzaffarpur for the installation of Water Purifier in the Civil Court Campus of Muzaffarpur 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 and the receipt has to be submitted to the Trial Court by the DLSA, Muzaffarpur.

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-II, Muzaffarpur in connection with Paroo P.S. Case No. 154 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(s) shall be appearing before the Police Station as and when required for co-operating 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 Principal District and Sessions Judge, Muzaffarpur for her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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