IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71939 of 2026

CNR No. BRHC011037062026

Arising Out of PS. Case No.-426 Year-2023 Thana- BANMANKHI District- Purnia

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Kartik Kumar Malpahadiya late Malpahadiya R/o- Mahananda Basti, Janata Chowk, P.S.- K. Nagar, Distt-Purnea

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard Mr. Bijendra Kumar Singh, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Banmankhi P.S. Case No.426 of 2023 for the offences under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 26.09.2023 by the informant, Virendra Kumar Yadav.

3. As per the prosecution story, the Indigo car was intercepted and there is recovery/seizure of 127.905 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he owns the car, got implicated. Actually, the car was

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already sold in the year 2022 but the transfer could not take place. He is suffering from cancer and was under treatment and as such, could not know about his implication in the present case which cause the delay.

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 come to this Court belatedly.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have criminal antecedent, undertaking has been given that he shall be diligently appearing in the trial, the contention is that the car was earlier sold, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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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-01, Purnea in connection with Banmankhi P.S. Case No.426 of 2023 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 fortnight 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;

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(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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