IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73106 of 2026

CNR No. BRHC011048162026

Arising Out of PS. Case No.-77 Year-2024 Thana- Araria Sangram District- Madhubani

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Ashok Kumar Das Son of Harinandan Das Resident of Village- Madhubara (Madhura) Pashchim, ward no.05, P.S.- Narpatganj, Dist.- Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Archana Aanand, Adv.
Mr. Bhavesh Kumar Sah, Adv.
Mr. Sumit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Arariya Sangram P.S. Case No. 77 of 2024 for the offence under sections 274, 275 of the BNS and 30(a) of the Bihar Prohibition and Excise Act lodged on 11.12.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the Police during the patrolling on NH-27, intercepted the motorcycle and there is recovery/seizure of 27 liter Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of he being the owner, got implicated. Actually, it was taken by one Jiwachh Yadav for his personal use but let to his

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implicattion.

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 owns the motorcycle.

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 his conscious possession nor he has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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

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satisfaction of learned Exclusive Special Judge Excise, Jhanjharpur in connection with Arariya Sangram P.S. Case No. 77 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(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;

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(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)

Vijay Singh/-

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