IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75779 of 2026

CNR No. BRHC011053102026

Arising Out of PS. Case No.-298 Year-2026 Thana- Excise P.S. District- Gopalganj

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Hareram Yadav S/o Bhola Prasad @ Bhola Yadav Resident of Village - Pakhopali, P.S- Uchkagaon, District - Gopalganj

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 298 of 2026 for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 07.04.2026 by the informant, Mithilesh Kumar.

3. As per the prosecution story, the informant on secret information, raided the place near the temple at 3:00 to 5:00 A.M. Though the accused managed to escape, the spy identified him as this petitioner. 88.800 liters country made liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that recovery/seizure is from near the temple at 3:00 to 5:00 A.M. and it is hard to believe that in such a dense night, anyone can identify

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a person much less the petitioner. Only because of one criminal antecedent, he got implicated. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 5,000/- to the District Legal Services Authority, Gopalganj for putting up flower pots in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India.

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 one 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 the recovery/seizure is from an open place at 3:00 to 5:00 a.m., in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.5,000/- to the District Legal Services Authority, Gopalganj for

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putting up flower pots in the Civil Court Campus of Gopalganj 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, Gopalganj .

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 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 Excise, Court no. II, Gopalganj in connection with Excise P.S. Case No. 298 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 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;

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(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;

(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.

10. Let a copy of the order be sent to the learned Principal District and sessions Judge, Gopalganj for his perusal and needful.

(Rajiv Roy, J)

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