IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72029 of 2026

CNR No. BRHC011055012026

Arising Out of PS. Case No.-33 Year-2026 Thana- EXCISE NAUGACHIA District-Bhagalpur

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Ramswarup Kumar Son of Mant Lal Mandal R/o Vill.- Parbatta, P.S.- Ismilepur, Dist.- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard Mr. Rajiv Ranjan Singh, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise (Naugachiya) P.S. Case No 33 of 2026 for the offences under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.01.2026 by the informant, Arjun Kumar Mahto.

3. As per the prosecution story, the Police intercepted the e-rickshaw and there is recovery of 20 liters of codeine cough syrup, the driver Gulshan Kumar was arrested. This led to

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the FIR.

4. Learned counsel for the petitioner submits that neither he has any criminal antecedent nor he was involved in such illegal activity. Only because, he owns the vehicle and have given to it Gulshan Kumar, 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. Learned APP opposes the prayer submitting that he is the owner.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he is owner, has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the

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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 Additional Sessions Judge IX, Bhagalpur in connection with Excise (Naugachiya) P.S. Case No 33 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;

(iv) 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

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cancellation of the bail bonds;

(v) 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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