IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73109 of 2026

CNR No. BRHC011058422026

Arising Out of PS. Case No.-270 Year-2026 Thana- Excise P.S. District- Madhubani

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Prem Kumar Nayak S/o Satish Kumar Nayak R/o Vill. - Jaynagar Subhash Chauk, P.S. -Jaynagar, Distt. - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Kumari Pallavi, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, 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 Sadar Excise P.S. Case No. 270 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.09.2026 by the informant, Sudhir Kumar Thakur.

3. As per the prosecution story, the Police intercepted two motorcycles and though one managed to escape, the other, Jitendra Kumar was apprehended, he gave the name of the petitioner. Upon search, 18 liters each (36 liter) country made wine recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he has anything to do with the aforesaid recovery nor he

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owns either of the motorcycle and only because of criminal antecedent, the Police has named him.

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 the arrested person named him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not own the motorcycle nor anything recovered from his conscious possession, 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/-

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(Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Madhubani in connection with Sadar Excise P.S. Case No. 270 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

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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)

Vijay Singh/-

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