IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77115 of 2026

CNR No. BRHC011069962026

Arising Out of PS. Case No.-43 Year-2026 Thana- MANER District- Patna

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Prakash Kumar S/o Tarkeshwar Prakash Keshri @ Tarkeshwar Prasad R/o Mohalla - Simli Pandriva Belkuan, P.S. - Malsalami, Dist. - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sudish Kumar, Advocate
For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Maner P.S. Case No. 43 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 15.01.2026 by the informant, Ritesh Kumar Ranjan.

3. As per the prosecution story, the police on secret intercepted a Scooty and upon search 33.12 liters of foreign liquor recovered/seized. The accused managed to escape. This led to the FIR.

4. Learned counsel for the petitioner submits that only because he owns the vehicle, got implicated. Actually, it was parked and the police has made out a case because the petitioner has one criminal antecedent.

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5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the District Legal Services Authority, Patna for the purchase of flower pots for Civil Court Campus, Danapur through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt has to be submitted before the Trial Court.

6. 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 of 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.

7. Learned APP opposes the prayer submitting that he has criminal antecedent.

8. Considering the submissions aforesaid and the judgment of **Ram Vinay Yadav (supra),** as also that no recovery was made from his conscious possession, an undertaking has been given that he shall be cooperative in the investigation, in that background, this Court is inclined to

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extend him the privilege of anticipatory bail subject to payment of Rs.5000/- to the District Legal Services Authority, Patna for the purchase of flower pots for Civil Court Campus, Danapur through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt has to be submitted before the Trial Court.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Maner P.S. Case No. 43 of 2026 to the satisfaction of learned Spl. Excise Judge, Danapur, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) 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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(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(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 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.

10. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Patna for his perusal and needful.

(Rajiv Roy, J)

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