IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78916 of 2026

CNR No. BRHC011072462026

Arising Out of PS. Case No.-170 Year-2022 Thana- JAYNAGAR District- Madhubani

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Zafiruddin @ Md. Zafiruddin S/o Md. Kalimullah Resident of Village - Kharagabani, Police Station - Babubarhi, District - Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Md Soban Asghar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 170 of 2022 for the offences under sections 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act lodged on 04.06.2022 by the informant, Bipin Kumar Singh.

3. As per the prosecution story, the police on information intercepted certain cycles/motorcycles though the accused managed to escape, upon search from the six cycles, there is/are recovery of 225 liters Nepali liquor, the other two motorcycles search led to recovery of 135 liter and 90 liter

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Nepali liquor respectively (totaling 450 liter Nepali liquor). This led to the FIR.

4. Learned counsel for the petitioner submits that he owns one of the motorcycles from which there is recovery of 90 liters. It was handed over to co-villager, later realizing that he will stand implicated in the case. The submission is that the petitioner does not have criminal antecedent.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Madhubani for the installation of Water Purifier in the Civil Court Campus of Madhubani Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India.

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 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

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out.

7. Learned APP opposes the prayer submitting that he owns one of the motorcycles.

8. 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 subject to payment of Rs. 15,000/- to the District Legal Services Authority, Madhubani for the installation of Water Purifier in the Civil Court Campus of Madhubani Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Madhubani.

9. 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.

10. 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 Excise Court-II, Madhubani in connection with Jaynagar P.S. Case No. 170 of 2022 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 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;

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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.

11. Let a copy of the order be sent to the Principal District and Sessions Judge Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

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