IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75825 of 2026

CNR No. BRHC011079062026

Arising Out of PS. Case No.-229 Year-2026 Thana- Sarai P.S. District- Siwan

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1. Shreekant Yadav S/o Hirdyanand Yadav @ Hirdya Yadav Resident of Village - Fulwariya, P.S. - Mairwa, District - Siwan.
2. Golu Kharwar S/o Manoj Prasad R/o Village - Thelpa, Uttar Tola, P.S. - Jiradei, Dist. - Siwan.
3. Dhannu Kumar S/o Sudarshan Prasad R/o Village - Titira, Uttar Tola, P.S. - Mairwa, Dist. - Siwan.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Learned counsel for the petitioner prays for withdrawal of the anticipatory bail application of petitioner no. 1, Shreekant Yadav. Accordingly the anticipatory bail application of petitioner no. 1, Shreekant Yadav stands rejected as withdrawn.

2. Heard the parties.

3. The petitioner are apprehending their arrest in connection with Sarai P.S. Case No. 229 of 2026 for the offences under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act lodged on 03.08.2026 by the informant, Vikash Kumar.

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4. As per the prosecution story, the police try to intercept a Scorpio. As the vehicle wanted to escape it overturned and Pawan Kumar and Salman Ali were apprehended. While others manage to escape, there is recovery/seizure of 635 liters country made liquor and 30 liters foreign liquor, the persons arrested gave the name of the petitioners which led to their implication in the present F.I.R.

5. Learned counsel for the petitioners submit that the new vehicle belongs to the petitioner no. 3, taken by the arrested person, Pawan Kumar for the treatment of his mother, he had no knowledge about the vehicle being used for carrying liquor though, learned counsel concede that both the petitioner no. 2 and 3 have criminal antecedent which include the case under section Bihar Prohibition and Excise Act.

6. The last submission is that without accepting the allegation and/or the outcome of the present case, he intend to contribute Rs. 15,000/- each (totalling Rs. 30,000/-) to the District Legal Services Authority, Siwan for the installation of Water Purifier in the Civil Court Campus of Siwan 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.

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7. 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.

8. Learned APP opposes the prayer submitting that the vehicle belong to petitioner no. 3 and arrested persons named them.

9. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that person riding it stands arrested, though the petitioner no. 3 own the vehicle, nothing has been recovered from his conscious possession, an alibi has been put forward that it was taken by Pawan Kumar for the treatment of his mother, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- each (totalling Rs. 30,000/-) to the District Legal Services Authority, Siwan for the installation of Water Purifier

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in the Civil Court Campus of Siwan 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, Siwan.

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 satisfaction of learned Exclusive Special Excise Court No. 1, Siwan in connection with Sarai P.S. Case No. 229 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioners 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 petitioners 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 petitioners 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 petitioners 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 Siwan for his/her perusal and needful.

(Rajiv Roy, J)

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