IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75877 of 2026

CNR No. BRHC011090912026

Arising Out of PS. Case No.-495 Year-2026 Thana- HISUWA District- Nawada

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Prakash Yadav @ Prakash Kumar Son of Umesh Yadav Resident of Village- Imamganj, P.S.- Gehlour, District- Gaya Ji.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 495 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 26.08.2026 by the informant, Raju Kumar.

3. As per the prosecution story, the Police intercepted an Alto Car and recovered/seized 225 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that neither he is the owner of the seized vehicle nor was driving the vehicle but the confession of the accused before the Police that it was provided by the petitioner, got implicated. Further, he has no criminal antecedent. Last submission is that without

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accepting the allegation or outcome of the petition the petitioner intends to pay Rs.15,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nawada for the purchasing of flower pots in the Civil Court Campus, Nawada Judgeship.

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 person arrested named this petitioner.

7. 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, the petitioner do not own the vehicle nor has criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions

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subject to payment of Rs.15,000/- by Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to the District Legal Services Authority, Nawada for the purchasing of the flower pots in the Civil Court Judgeship, Nawada and the receipt has to be submitted before the Trial Court.

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/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Hisua P.S. Case No. 495 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

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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 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.

9. Let a copy of the order be sent to the learned Principal District & Sessions Judge, Nawada for perusal and needful.

(Rajiv Roy, J)

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