IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77117 of 2026

CNR No. BRHC011092852026

Arising Out of PS. Case No.-310 Year-2026 Thana- GAYA KOTWALI District- Gaya

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Vikash Kumar Son of Indu Sahani Resident of Mohalla - Nadraganj, Mallah Toli, Near Devi Asthan, P.S.- Civil Lines, District - Gaya Ji.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard Mr.Ajay Kumar Sinha, learned counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Kotwali P.S. Case No. 310 of 2026 instituted under Sections 30(A) of the Bihar Prohibition and Excise Act lodged on 01.07.2026 by the informant, Bipin Kumar.

3. As per the prosecution story, the police intercepted a Hyundai car and there is recovery/seizure of 540 ml. foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of ownership of vehicle, got implicated. It was given to Vikram Mitra who was subsequently arrested. He do not have criminal antecedent.

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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 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.

6. Learned APP opposes the prayer.

7. Considering the submissions aforesaid and the judgment of **Ram Vinay Yadav (supra),** as also the person who was carrying the liquor already stands arrested, the petitioner do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. 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 Kotwali P.S. Case No. 310 of 2026 to the satisfaction of learned Excl. Spl. Excise Court No.4, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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(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;

(iii) 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;

(iv) 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)

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