IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77125 of 2026

CNR No. BRHC011096092026

Arising Out of PS. Case No.-553 Year-2026 Thana- BELAGANJ District- Gaya

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Dipanshu Kumar Yadav @ Nitish Kumar @ Ripanshu Kumar Yadav Son of Saroj Kumar @ Babuchand Yadav Resident of Village- Neuri, Po- Neuri, P.S.- Belaganj District -Gaya Ji

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ujjawal Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rana Randhir 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 Belaganj P.S. Case No. 553 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.08.2026 by the informant, Aman Kumar Singh.

3. As per the prosecution story, the police on secret information, the ‘Dalan’ of the petitioner’s house was raided and there is recovery/seizure of 42.750 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the house of the ‘Dalan’ belongs to his father, it is a joint property and he has no role to play in the matter. The last submission is

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that he do not have criminal antecedent.

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 submitting that the recovery/seizure is from the 'Dalan' of the petitioner.

7. Taking into account the submissions of the parties and the judgment of **Ram Vinay Yadav (supra),** as also tht 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. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

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

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the like amount each in connection with Belaganj P.S. Case No. 553 of 2026 to the satisfaction of learned Excl. Spl. Judge Excise Court No.2, Gayaji 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;

(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;

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(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.

(Rajiv Roy, J)

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