IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78329 of 2026

CNR No. BRHC011100872026

Arising Out of PS. Case No.-120 Year-2026 Thana- MOHANPUR District- Samastipur

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1. Rupesh Kumar S/o Arvind Kumar @ Bulbul @ Arvind Kumar Ray R/o Village - Jalalpur, P.S - Mohanpur, Distt. -Samastipur
2. Arvind Kumar @ Bulbul @ Arvind Kumar Ray S/o Late Ram Baran Rai R/o Village - Jalalpur, P.S - Mohanpur, Distt. -Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vishal Vikram Rana, Advocate
Ms. Abhya Anant, Advocate
For the Opposite Party/s : Mrs.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard Ms. Abhya Anant, learned counsel for the petitioners and Mrs. Asha Kumari, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Mohanpur P.S. Case No. 120 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.07.2026 by the informant, Afroz Ahmad.

3. As per the prosecution story, the police on secret information, raided the place and near a poultry farm of the petitioners, beneath the tree, 3.960 liters of foreign liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioners submit that they

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do not own the poultry farm near from which the seizure took place, have no criminal antecedent, one of them is a student and have been falsely implicated.

5. Further, learned counsel for the petitioners 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 police reached the place on the information about the liquor activity, the allegation against these two petitioners.

7. Taking into account the submissions of the parties and the judgment of **Ram Vinay Yadav (supra),** as also nothing has been recovered from their conscious possession nor they have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners 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

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bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Mohanpur P.S. Case No. 120 of 2026 to the satisfaction of learned Spl. Judge Excise Court No.2, Samastipur 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 petitioners who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their 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 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

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cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Abhya Anant, learned counsel for the petitioners for the proper assistance rendered in the case.

(Rajiv Roy, J)

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