IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75894 of 2026

CNR No. BRHC011105142026

Arising Out of PS. Case No.-261 Year-2026 Thana- MADHEPUR District- Madhubani

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1. Rina Devi @ Veena Devi Wife of Virendra Pasi Resident of village - Mainarahi, P.S.- Madhepur, District - Madhubani.
2. Virendra Pasi Son of Jagdish Pasi Resident of village - Mainarahi, P.S.- Madhepur, District - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
: Mr. Ravi Prakash, Advocate
: Mr. Rohit Kant Singh, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhepur P.S. Case No. 261 of 2026 for the offences under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 12.09.2026 by the informant, Hritik Kumar.

3. As per the prosecution story, the informant alleged that on secret information the house of the petitioners were raided and 63.9 liters of nepali liquor was recovered/seized behind the house from a pond. This led to the FIR.

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4. Learned counsel for the petitioners submit that only because of one criminal antecedent registered against petitioner no. 2, they got implicated, recovery/seizure is from an open place and the *chawkidar* just wanted to implicate them.

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 *chawkidar* has named them.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that recovery/seizure is from a pond, one of the petitioner is a lady, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the

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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 the court of the learned Execlusive Special Judge Excise, Jhanjharpur in connection with Madhepur P.S. Case No. 261 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;

(iv) only the petitioner no. 2, Virendra Pasi 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

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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 their bail bonds.

(Rajiv Roy, J)

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