IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77159 of 2026

CNR No. BRHC011119302026

Arising Out of PS. Case No.-84 Year-2026 Thana- Bahoranpur District- Bhojpur

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1. Jitu Paswan S/o Late Ramji paswan R/o Village - Tikapur Bahoranpur ,P.S. - Bahoranpur, District - Bhojpur.
2. Amarjit Paswan S/o Late Ramji Paswan R/o Village - Tikapur Bahoranpur ,P.S. - Bahoranpur, District - Bhojpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard learned Counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bahoranpur P.S. Case No. 84 of 2026 for the offence registered under sections 30(a) of Bihar Excise Act lodged on 15.09.2026 by the informant Suraj Singh.

3. As per the prosecution story, the Police alleged that on secret information that in the house of wife of Ganesh Paswan, accused persons had kept liquor. Accordingly, the place was raided but the accused managed to escape. The Chowkidar gave the names of the accused persons. Thereafter, there is recovery/seizure of 141.12 liter from the said house. This led to the FIR.

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4. Learned Counsel for the petitioners submit that the house is owned by Ganesh Paswan and not by this petitioner and he has no relationship with Ganesh Paswan. Only due to enmity, the Chowkidar has named them as the person who escaped from the place, both 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 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. The last submission is that without accepting the allegation and/or the outcome of the present case, they intend to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) to the District Legal Services Authority, Bhojpur exclusively for the purchase of flower pots for the Civil Court Campus of Bhojpur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the Chowkidar has named them.

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8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that that the petitioners do not have criminal antecedent, recovery/seizure is from the house of Ganesh Paswan, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs.5,000/- each (totalling Rs. 10,000/-) to the District Legal Services Authority, Bhojpur exclusively for the purchase of flower pots for the Civil Court Campus of Bhojpur Judgeship through Demand Draft issued by the local branch of the State Bank of India.

9. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1st, Bhojpur at Ara in connection with Bahoranpur P.S. Case No. 84 of 2026 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioners shall appear on each and every date

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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 petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(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 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 the bail bonds.

10. Let a copy of the order be sent to the Principal District and Sessions Judge, Bhojpur for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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