IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77105 of 2026

CNR No. BRHC011125172026

Arising Out of PS. Case No.-1614 Year-2026 Thana- Excise P.S. District- Muzaffarpur

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Md. Hussain S/o Md. Ful Mohammad R/o Village- Sarmaspur, P.S- Kanti, Distt.- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, 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 his arrest in connection with Excise P.S. Case No. 1614 of 2026 for the offences under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 03.09.2026 by the informant, Raja Janmejay.

3. As per the prosecution story, the informant alleged that upon secret information, the tempo was intercepted and there is recovery/seizure of 64.800 liters foreign liquor. The driver Md. Saddam Ansari was arrested and recovery/seizure made which led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent and got implicated only because he

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own the vehicle. It was given to Md. Saddam Ansari on rent basis and he is ready to cooperate in the investigation/present himself in the trial.

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 he owns the tempo.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have criminal antecedent nor anything recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal

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antecedent, the present order shall become infructuous.

9. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Muzaffarpur in connection with Excise P.S. Case No. 1614 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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;

(iv) the petitioner 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

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taken for the cancellation of the bail bonds;

(v) 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;

(vi) 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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