IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77086 of 2026

CNR No. BRHC011127912026

Arising Out of PS. Case No.-405 Year-2026 Thana- BENIPATTI District- Madhubani

==========

Umesh Sah S/O Shivji Sah R/V- Pahipura, PS- Saharghat, Distt- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
: Mr. Sumit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

==========

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 Benipatti P.S. Case No. 405 of 2026 for the offences under sections 274, 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 05.09.2026 by the informant, Akash Kumar.

3. As per the prosecution story, the informant alleged that during patrolling and on secret information, a pick-up van was intercepted. Those present managed to escape and there is recovery/seizure of 1800 liters of Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that neither the vehicle belongs to him nor he has indulge in any such activity but only because of criminal antecedents, the police keeps on implicating him. The submission is that if granted relief, he

WEB COPY

shall under no circumstance got himself implicated in any further case and if relief granted, steps be taken for its cancellation. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Madhubani for the installation of Water Purifier in the Civil Court Campus of Madhubani Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India.

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 has criminal antecedents.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not own the vehicle nor anything recovered from his conscious possession, in that background, this Court is inclined

WEB COPY

to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Madhubani for the installation of Water Purifier in the Civil Court Campus of Madhubani Judgeship (to be installed for the litigants in the public place/verandah) through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Madhubani.

8. It is made clear that even after undertaking, if he is found in any further case, the State shall be taking immediate steps for cancellation of his bail bond.

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 Court-II, Madhubani in connection with Benipatti P.S. Case No. 405 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;

WEB COPY

(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 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.

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

(Rajiv Roy, J)

sanny/-

U		T	

WEB COPY