IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78897 of 2026

CNR No. BRHC011128302026

Arising Out of PS. Case No.-177 Year-2026 Thana- PARANDABAR District- Nawada

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1. Vikash Kumar @ Vikas Kumar S/o Late Dhaanu Yadav R/o Village - Kodiya, P.S. - Gurpa,District- Gayaji.
2. Pradeep Kumar S/o Baliram Yadav R/o Village- Kodiya, P.S. - Gurupa, District- Gayaji.

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Parnadabar P.S. Case No. 177 of 2026 for the offences under sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 06.09.2026 by the informant, Md. Jahid Husain.

3. As per the prosecution story, the informant alleged that on secret information three motorcycles were intercepted and there is recovery/seizure of 27 liters each foreign liquor from the two motorcycle while 4.125 liter of foreign liquor from the third one. While some of the accused managed to escape, Deepak Kumar, Mukesh Kumar, Gautam Kumar and Roushan Kumar were arrested. This led to the FIR.

4. Learned counsel for the petitioners submit that none of them owns the motorcycle and only because of the criminal

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antecedent, they got implicated.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intends to contribute Rs. 7,500/- each (totaling 15,000) for sanitary vending machine (for the litigants) to the District Legal Services Authority, Nawada in the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. 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 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.

7. Learned APP opposes the prayer submitting that both have one criminal antecedent each.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that neither they own the motorcycle nor anything recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail with

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conditions subject to payment of Rs.7,500/- each (totaling 15,000) for sanitary vending machine (for the litigants) to the District Legal Services Authority, Nawada in the Civil Court Campus of Nawada Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Nawada.

9. Let the petitioners 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 Excise Court -01, Nawada in connection with Parnadabar P.S. Case No. 177 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 their bail bond by the Trial Court itself;

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

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

(Rajiv Roy, J)

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