IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77088 of 2026

CNR No. BRHC011128562026

Arising Out of PS. Case No.-123 Year-2026 Thana- BIKRAMGANJ District- Rohtas

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Raj Kumar @ Rinku S/O Bilar Yadav @ Chandeshwar Singh R/O Village-Nowan, Ward No.5, Mohini, PS- Bikramganj, Dist- Rohtas

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
: Mr. Dinesh Kumar, Advocate
For the Opposite Party/s : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard Mr. Babu Nandan Prasad, learned counsel for the petitioner duly assisted by Dinesh Kumar and Mrs. Gulnar Begum for the State.

2. The petitioner is apprehending his arrest in connection with Bikramganj P.S. Case No. 123 of 2026 for the offences under sections 274, 275, 286, 109, 61(2) and 3(5) of the B.N.S. and 30(a), 33, 34 and 36 of Bihar Prohibition and Excise Act lodged on 18.02.2026 by the informant, Lalan Kumar.

3. As per the prosecution story, the informant alleged that on secret information that Deepak Yadav is indulged in the business of liquor, the place was raided. Though he managed to

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escape, upon search, nothing was found. However, on the information further received, his brother, Pradip Yadav's house was searched where again nothing was found. Later, they went to the nearby field and found 200 liters semi prepared Mahua beside several stickers to be affixed on the foreign liquor beside 15 liters spirit like liquid. It clearly show that Deepak Yadav is indulge in such criminal activity and which led to the FIR.

4. Subsequently, Deepak Yadav was arrested and he gave the name of the petitioner as an associate.

5. Learned counsel for the petitioner submits that a perusal of the FIR would show that the houses of Deepak Yadav and his brother Pradip Yadav were raided and recovery is from the nearby field. This petitioner has nothing to do with the alleged recovery but got implicated on the confessional statement before the Police by Deepak Yadav and such implication by the Police is because he has criminal antecedents. The submission is that if granted relief, he 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, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Rohtas at Sasaram exclusively for the purchase of flower pots in the Civil

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Court Campus of Rohtas at Sasaram Judgeship through Demand Draft issued by the local branch of the State Bank of India.

6. 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.

7. Learned APP opposes the prayer submitting that he has criminal antecedents and the main accused, Deepak Yadav has named him.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery is from an open filed and his name has later cropped up on the confessional statement of Deepak, undertaking has been given that he shall not indulge in any such activity and will fully cooperate in the investigation, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of

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Rs.15,000/- to the District Legal Services Authority, Rohtas at Sasaram exclusively for the purchase of flower pots in the Civil Court Campus of Rohtas at Sasaram 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, Rohtas at Sasaram.

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 No.1, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 123 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

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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 learned Principal District and Sessions Judge, Rohtas at Sasaram for his/her perusal and needful.

(Rajiv Roy, J)

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