

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.90717 of 2025**

Arising Out of PS. Case No.-232 Year-2025 Thana- RAHIKA District- Madhubani

Kishan kumar Mandal @ Nunu Mandal @ Kishan Mandal Son of Bechan  
Mandal Village- Dumri ward no6, PS -Rahika, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      15-01-2026                      Heard Mr. Ravi Ranjan, learned Counsel for the  
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rahika P.S. Case No. 232 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition Excise Act lodged on 22.10.2025 by the informant, Anand Kumar Kashyap.

3. As per the prosecution story, the Police on secret information, raided the place. Accused managed to escape but the Chowkidar named him, it was petitioner. 125.100 liter Nepali liquor recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession, only due to enmity, the *Chowkidar* named him.

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, the petitioner(s) intends to contribute Rs. 5,000/- to the District Legal Services Authority, Madhubani for the purchase of flower pots in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

7. Learned APP opposes the prayer for bail.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession, FIR is there, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.



5,000/- to the District Legal Services Authority, Madhubani for the purchase of flower pots/ in the Civil Court Campus of Madhubani Judgeship as undertaken by the petitioner(s) through the learned counsel through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the Trial Court by the DLSA, Madhubani.

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 Act, Madhubani in connection with Rahika P.S. Case No. 232 of 2025 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 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;

(iii) 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;

(iv) 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;

(v) 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 this order be sent to learned Principal District and Sessions Judge, Madhubani for his perusal and needful.

**(Rajiv Roy, J)**

Vijay Singh/-

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