

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63052 of 2026

Arising Out of PS. Case No.-259 Year-2026 Thana- PARBATTa District- Khagaria

Uttam Kumar S/o- Shambhu Singh Resident of village- Salarpur ward No- 10
PS-Parbatta Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Verma, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2026 Heard Mr. Brajesh Verma, learned counsel for the
petitioner and the learned counsel representing the State.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 259 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 30.06.2026 by the informant, Sumant Chaudhary.

3. As per the prosecution story, the police on secret information about the accused indulged in the business of liquor raided the place and from the field there is recovery/seizure of 81.450 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery is from an open field and only because of one criminal antecedent, he got implicated.

5. 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, Khagaria for putting up flower pots in the Civil Court Campus of Khagaria 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 antecedent.

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/seizure is from an open field and not from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.15,000/- to the District



Legal Services Authority, Khagaria for putting up flower pots in the Civil Court Campus of Khagaria 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, Khagaria.

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 Excise Judge-II, Khagaria in Spl. A.B.A. (Excise) No. 82 of 2026 in connection with Parbatta P.S. Case No. 259 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 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. A copy of the order be sent to the Principal District and Sessions Judge, Khagaria for his/her perusal and needful.

(Rajiv Roy, J)

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