

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50903 of 2024**

Arising Out of PS. Case No.-55 Year-2024 Thana- RAHIKA District- Madhubani

Ramchandra Yadav son of Kali Yadav Resident of Village- Nazirpur Ward No 10, Ps- Rahika Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhavesh Sah  
For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      20-09-2024                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Rahika P.S. Case No. 55/2024 arising out of G.R. No. 388/2024 dated 20.03.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Sections 272 and 273 read with 34 of the Indian Penal Code.

3. As per the prosecution case, total 54 litres of illicit foreign liquor was recovered from the under constructed house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has been transpired in this



case only on the basis of secret information. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The similarly situated co-accused has been granted bail by this Court vide order dated 15.07.2024 passed in Cr. Misc. No. 50457 of 2024. Learned counsel has relied on the judgment of 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***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Rahika P.S. Case No. 55 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

Shivam/-

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