

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.676 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- ANDHRAMATH District- Madhubani

1. Dhanjit Yadav S/o Jaynarayan Yadav R/o - Mahdeva, P.S - Laukahi, District - Madhubani
2. Girdhari Yadav S/o Ganeshi Yadav R/o - Mahdeva, P.S - Laukahi, District - Madhubani
3. Pappu Mandal S/o Ram Sundar Mandal R/o vill - Bantol, P.S. - Laukahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Andhramath P.S. Case No. 161 of 2024 dated 14.10.2024, registered for the offence punishable under Sections 274, 275/3(5) of B.N.S. and 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 576 litres of illicit Nepali country-made liquor was recovered from the 16 plastic sacks.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The apprehended persons disclosed the name of the petitioners. The petitioner no. 1 has clean antecedent, petitioner no. 2 has two antecedents and petitioner no. 3 has one criminal antecedent as stated in para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioners hence, no case is made out against the petitioners. The other co-accused persons has already been granted bail by this court vide order dated 15.01.2025, passed in Cr. Misc. No. 676 of 2025. 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 A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners 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 petitioners, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jhanjharpur at Madhubani, in connection with Andhramath P.S. Case No. 161 of 2024, subject to conditions as laid down under Section 482(2) of the B.N.S.S.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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