

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8849 of 2025

Arising Out of PS. Case No.-1480 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Raghunath Sahni S/o Babulal Sahni R/o Village- Ganeshwarepur, P.S.-
Industri Lai State, District- Baleswar, State- Odisha

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in the first page of the bail petition in
course of the day.

3. The Petitioner is apprehending his arrest in
connection with Excise P.S. Case No. 1480 of 2024 dated
16.08.2024 for the offences punishable u/ss 30(a) and 32(3) of
the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 2084.250 litres of
illicit foreign liquor was recovered from the container and two
pick-up vans.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner is the owner of the said container but has no concern with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 01.10.2024 passed in Cr. Misc. No. 71068 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.

6. Learned A.P.P. 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.

7. 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, Muzaffarpur in connection with Excise P.S. Case No. 1480 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

