

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6880 of 2025

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

Thakurlal Dangi @ Thakurlal @ Thakur Ji Patel S/O Nathuji @ Nathulal
Dangi R/O Village- Bhalan @ Bhalon ka Gurha, P.S- Pratap Nagar, Dist-
Udaipur, State- Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Danish Quamar, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Patepur P.S. Case No. 112 of 2023 dated 15.05.2023 or the offences punishable u/s 420 and 120(B) of the Indian Penal Code along with Sections 30(a), 32 (ii) and 41 (i) of the Bihar Prohibition and Excise Act 2016.

3. As per the prosecution case, total 4725.72 litres of illicit Indian made foreign liquor was recovered from the motorcycle.

4. 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 case as stated at



para 3 of the bail petition. The petitioner is the owner of the said vehicle but the same was not being driven by him at the time of the alleged recovery. The petitioner is not named in the FIR. The name of the petitioner was disclosed by the apprehended persons. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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. While concluding the argument, it is submitted that similarly situated co-accused namely Manoj Kumar Mahto has already granted anticipatory bail by coordinate Bench of this Court through Cr. Misc. No. 66162 of 2023 dated 15.02.2023.

5. 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.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, where recovery of illicit liquor not appears prima-facie from the physical possession of 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 Exclusive Special Prohibition and Excise Judge, 2nd cum District and Additional Sessions Judge, Hajipur at Vaishali in connection with Patepur P.S. Case No. 112 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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