

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9027 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- RAUTARA District- Katihar

Manish Kumar S/o Ram Bahadur Prasad, Resident of Ward No. 11,
Singheshwar, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. (Dr.) Indihar Kumari, APP

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

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his / her arrest in connection with Rautara P.S. Case No. 48 of 2024, dated 14.06.2024 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 609 litres of illicit foreign liquor, 3 quintals of mangoes and one mobile phone were recovered from the pick up van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has been



implicated in the present case because he is the registered owner of the seized pick up van in question. The petitioner was not arrested from the spot and he has no concern with the alleged recovery. The petitioner has no criminal antecedent as stated in paragraph no. 3 of the bail petition. The similarly situated co-accused namely, Md. Abujal @ Md. Abujar Alam has been granted bail by this Court *vide* order dated 14.08.2024 passed in Cr. Misc. No. 58573 of 2024 and another co-accused namely, Md. Tahir has been granted bail by a co-ordinate Bench of this Court *vide* order dated 28.08.2024 passed in Cr. Misc. No. 59377 of 2024. Learned counsel has submitted that no case is made out against the petitioner. 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 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 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 material available on record, let the petitioner, above-named, 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 only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No. 2, Katihar, in connection with **Rautara P.S. Case No. 48 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)

Shahnawaz/-

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