

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7866 of 2025

Arising Out of PS. Case No.-221 Year-2022 Thana- ROH District- Nawada

Sudhir Kumar @ Matalu Kumar S/O Ramashray Chauhan R/O Village-
Krishananagar, Baghibardiha, P.S.- Pakribarawan, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha

For the Opposite Party/s : Mr.Anita Kumari

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

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Roh P.S. Case No. 221 of 2022 dated 27.07.2022 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 50 litres of illicit *mahua* 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 antecedent as stated in para 3 of the bail petition. The said vehicle belongs to the co-accused Vindi Kumari who is wife of the petitioner. Nothing has



been recovered from the conscious possession of the petitioner, hence no case is made out. The other co-accused person has already been granted bail by this court *vide* order dated 05.03.2024 passed in Cr. Misc. No. 13690/2024. 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 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 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,
Nawada in connection with Roh P.S. Case No. 221 of 2022,
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)

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