

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9198 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- JAYNAGAR District- Madhubani

PAWAN KUMAR YADAV @ PAWAN YADAV @ PAVAN YADAV Son of
Shyam Sundar Yadav @ Shyamasundar Yadav Resident of Village- Sarvsima
Police Station-Bhairav Asthan District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mrs. Sharda Kumari

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

ORAL ORDER

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

2. The petitioner is apprehending his arrest in a case in connection with G.R. No. 1395 of 2024 arising out of Jaynagar P.S. Case No. 291 of 2024 dated 05.10.2024 for the offence/s punishable u/ss 274, 275, 317(5) of the BNS and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1502.640 litres of illicit Nepali country made liquor and illicit foreign liquor was recovered from the Magic vehicle.

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. The petitioner is the owner of the said vehicle. The said vehicle was being driven by the co-accused at the time of the alleged occurrence. The apprehended co-accused person is the full brother of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. 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 the record, 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, Madhubani in connection with G.R. No. 1395 of 2024 arising out of Jaynagar P.S. Case No. 291 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S., with further condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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