

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10291 of 2025**

Arising Out of PS. Case No.-481 Year-2024 Thana- TURKAULIYA District- East
Champaran

Raj Kumar Yadav S/o Birendra Yadav @ Virendra Ray R/o Village -
Shankarsaraiya Parsaun, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his/her arrest in a
case in connection with Turkauliya P.S. Case No. 481 of 2024
dated 09.11.2024 for the offence/s punishable u/s 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 20.7 litres of
spirit was recovered from the yellow sack of the co-accused,
namely, Upendra Yadav.

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 has been



made accused in the present case on the basis of the disclosure made by the apprehended co-accused person, namely, Upendra Yadav. The petitioner has no concern with the alleged recovery. The petitioner has six criminal antecedents as stated in para 3 of the bail petition in which the petitioner is on bail in all the pending cases. 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/her 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, East Champaran in connection with Turkauliya P.S. Case No. 481 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.

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

ajay/-

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

