

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13718 of 2025

Arising Out of PS. Case No.-916 Year-2024 Thana- BARH District- Patna

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Golu Kumar @ Golu Son of Manoj Sharma R/o- Budhnichak, P.S.- Barh,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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

ORAL ORDER

3 18-07-2025 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 in connection with Barh P.S. Case No. 916 of 2024 dated 01.12.2024 registered for the offences punishable under Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, Sections 132, 109(1) read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

4. As per the prosecution case, total 41.5 litres of foreign liquor and beer was recovered from the bags of Sunny Paswan and Ajay Kumar who disclosed the names of Golu Kumar (petitioner), Anil Paswan, Rahul Chaudhary, Koko Kumar and Sujit Paswan @ Viswajit Paswan as fleeing persons



from the place of occurrence and during that course they also started firing on police with intention to kill them. It is also alleged that near R.P.F. Barrack, two fired cartridges were also recovered.

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 was not arrested on the spot. His name has surfaced in the present case on the basis of the arrested co-accused persons namely Sunny Paswan and Ajay Kumar. No incriminating article has been recovered from his possession. The recovery of alleged seized liquor was recovered from the bags of the co-accused Sunny Paswan and Ajay Kumar and the petitioner has no connection with them. The petitioner has no concern with the alleged recovery. The petitioner has no 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/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, Barh, Patna in connection with Barh P.S. Case No. 916 of 2024 , subject to conditions as laid down under section 482(2) of the BNSS.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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