

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11850 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- SAKRA District- Muzaffarpur

1. Vikash Kumar Singh Son of Vidya Kumar Singh @ Vidhya Resident of Village - Sabalpur Pachhiyari Tola, P.S. - Sonapur, District - Saran
2. Vivek Kumar Son of Vidya Kumar Singh @ Vidhya Resident of Village - Sabalpur Pachhiyari Tola, P.S. - Sonapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

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

2. The petitioners are apprehending their arrest in a case in connection with Sakra P.S Case No. 254/2024 dated 06.05.2024 for the offences punishable u/s 30(a), 32(1), 32(2), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1080 litres of illicit foreign liquor was recovered from truck.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have one criminal antecedent in which he is on bail as stated in para 3 of the bail



petition. Nothing has been recovered from the conscious possession of the petitioners hence, no case is made out against the petitioners. As per para. 9 of the bail petition, the petitioners are not the owner of the said truck. 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. The apprehended person disclosed the name of the petitioners. The other co-accused person has already been granted anticipatory bail by this court *vide* order dated 12.07.2024 passed in Cr. Misc. No. 47960/2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners 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 petitioners, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Muzaffarpur in connection with Sakra P.S Case No. 254/2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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