

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12265 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Suraj Gupta @ Suraj Kumar S/O Aklu Saah Resident of Village- Bandh Gola
Road, PS- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in
connection with Bela P.S. Case No. 88 of 2024 dated
28.12.2024 registered for the offences punishable u/s 112 of the
B.N.S. and Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 8431.2 litres of
illicit foreign liquor was recovered from the truck.

4. Learned counsel for the petitioner has submitted
that the petitioner has falsely been implicated in this case. The
petitioner has two criminal antecedents in which he is on bail as
stated in para 3 of the bail petition. The petitioner is neither the



owner nor the driver of the said vehicle and he has no concern with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused persons have already been granted regular bail by this court vide order dated 06.02.2025 passed in Cr. Misc. No. 2787 of 2025. 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, Muzaffarpur in connection with Bela (Industrial) P.S. Case No. 88 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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