

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14503 of 2025

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

Chanchal Kumar Son of Madan Ray @ Madan Prasad Ray Resident of
Village -Pipri PS- Sakra District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 15840 of 2025

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

Bharat Mishra @ Baba @ Bharat Lal Mishra @ Sanjit Kumar Son of Late
Ramashankar Mishra Resident of Village - Bishunpur Baghnagari, P.S.-
Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 14503 of 2025)
For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Syed Ehteshamuddin
(In CRIMINAL MISCELLANEOUS No. 15840 of 2025)
For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Narendra Kumar Singh

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

ORAL ORDER

2 09-05-2025 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 Bela P.S. Case No. 88 of 2024 dated



28.12.2024 registered for the offences punishable u/s 112 of 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 petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners has surfaced in this case on secret information. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners are neither the owner nor the driver of the seized vehicle. The petitioners have no concern with the alleged recovery. The petitioner (Chanchal Kumar) has two criminal antecedents and the petitioner (Bharat Mishra) has three criminal antecedents as stated in para 3 of the bail petition. The co-accused has been granted anticipatory bail by this Court vide order dated 21.02.2025 passed in Cr. Misc. No. 11853 of 2025. Learned counsel has submitted that no case is made out against the petitioners. 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 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 material available on record, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Muzaffarpur in connection with Bela P.S. Case No. 88 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S, with further condition:-

(i) The petitioners are 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 bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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