

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13622 of 2025**

Arising Out of PS. Case No.-9 Year-2025 Thana- Raghunathpur Excise District- Siwan

Jeevan Kumar Sah @ Jitu Kumar S/O PREM NATH SAH Resident of Village  
- Salehpur, P.S. - Andar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

**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 Raghunathpur Excise P.S. Case No. 09 of 2025 dated 12.01.2025 for the offence/s punishable u/ss 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 621 litres of illicit country made liquor and 8.640 litres of foreign liquor were recovered from the two Bolero cars.

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 is neither



the owner nor the driver of the said vehicle. The name of the petitioner has transpired in the confessional statement of the co-accused Radhe Shayam Kumar. The petitioner has no concern with the alleged recovery. The petitioner has four criminal antecedents 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, Siwan in connection with Raghunathpur Excise P.S. Case No. 09 of 2025, subject to conditions as laid down under section 482(2) of the BNSS, 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 be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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