

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12334 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- KRITYANAND NAGAR District-
Purnia

Chhotu Yadav @ Ritesh Kumar @ Chhotu S/O Sadanand Yadav R/O Vill.-
Jhunni Kala Pothia, ward no. 11, P.S- K.Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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

ORAL ORDER

2 09-05-2025 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 K. Nagar P.S. Case No. 290 of 2024
dated 22.10.2024 for the offence/s punishable u/s 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 133.5 litres of
illicit foreign liquor was recovered from the *Kamat* (cowshed)
of the co-accused Suman Kumar Yadav.

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 said recovery was



made from an open place that is accessible to anyone. The petitioner has no concern with the alleged recovery. The name of the petitioner transpired in this case on the basis of the confessional statement of the co-accused person, namely, Suman Kumar Yadav. The petitioner has one criminal antecedent as stated in para 3 of the bail petition in which he is on bail. 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 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, Purnea in connection with K. Nagar P.S. Case No. 290 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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