

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24090 of 2025**

Arising Out of PS. Case No.-553 Year-2024 Thana- BABUBARHI District- Madhubani

Vikki Safi @ Vicky Kumar Son of Sandeep Safi Resident of Village -  
Pandaul, Police Station - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

ORAL ORDER

2      04-07-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Babubarhi P.S. Case No. 553 of 2024 (G.R. Case No. 1810/2024) dated 27.12.2024 registered for the offences punishable u/ss 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 402 litres of illicit Nepali foreign liquor and country made liquor were recovered from the XUV vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner was disclosed in this case by the



apprehended co-accused person. The petitioner has five criminal antecedents as stated at para 3 of the bail petition. The petitioner is not the owner of the said vehicle as stated in para 12 of the bail petition. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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, Madhubani in connection with Babubarhi P.S. Case No. 553 of 2024 (G.R. Case No. 1810/2024), subject to conditions as laid down under section 482(2) of the B.N.S.S. with further conditions :-

*(i) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.*

*(ii) 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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