

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22681 of 2025

Arising Out of PS. Case No.-130 Year-2021 Thana- SINGHWARA District- Darbhanga

Nagendra Kumar Singh S/O Pritlal Singh R/O Vill.- Pirouchha, P.S.-
Gaighat, Dist.- Muzaffapur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan 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 Singhwara P.S. Case No. 130 of 2021, dated 05.07.2021 for the offences punishable under Sections 30(a), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 720.120 litres of foreign liquor was recovered from a truck. One motorcycle was also recovered from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in



para 3 of the bail petition in which he is on bail. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case during the course of investigation. The petitioner is not the owner of the seized vehicle and the same was not being driven by the petitioner at the time of the alleged recovery as stated in para 16 of the bail petition. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. The co-accused person has already been granted anticipatory bail by this court vide order dated 11.03.2024 passed in Cr. Misc. No. 15007/2024. 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 APP 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, Darbhanga in connection with Singhwara P.S. Case No. 130 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

