

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27912 of 2025

Arising Out of PS. Case No.-87 Year-2021 Thana- BAHADURPUR District- Darbhanga

1. Lakhindra Sahni Son of Vinayjee Sahni R/O Vill- Ammadih, P.S.- Bahadurpur, District- Darbhanga (Bihar)
2. Ramesh Sahni @ Raamesh Sahni Son of Jiya Sahni R/O Vill- Ammadih, P.S.- Bahadurpur, District- Darbhanga (Bihar)
3. Vinayjee Sahni @ Vinay Sahni Son of Jank Sahni R/O Vill- Ammadih, P.S.- Bahadurpur, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 87/2021 dated 16.02.2021 for the offences punishable u/s 30(a)(b)(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 16 litres of illicit country-made liquor and liquor making apparatus were recovered near the river kept in the gallon.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. The petitioner no. 1 has one criminal antecedent, the petitioner no. 2 has two criminal antecedent and the petitioner no. 3 has three criminal antecedent as stated in para 3 of the bail petition. The recovery was from an open place which is accessible to anyone. No incriminating article has been recovered from the conscious possession of the petitioners, 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 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 nature of allegation against the petitioners, 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, Darbhanga in connection with Bahadurpur P.S. Case No. 87/2021, subject to conditions as laid down under section 482(2) of the BNSS, with the 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. This application stands allowed.

(Chandra Prakash Singh, J)

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