

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28522 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- DURAULI District- Siwan

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Munna Bin @ Moon Kumar @ Munna Kumar S/o Bhikhu Bin @ Bhikh Bin
R/o Village- Balhu Tola Tadi, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 351 of 2024 dated 03.11.2024 registered for the offences punishable u/ss 30(a) and 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 249 litres of illicit country made liquor kept in eight sacks was recovered near the house of the co-accused, Balindra Yadav situated at diyara.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has one criminal antecedent as stated at para 3 of the bail petition. The name of the petitioner was disclosed by the



apprehended co-accused, Deepak Sahni. The petitioner has no concern with the alleged recovery rather the recovery has been made near the house of the co-accused person. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 23.03.2025 passed in Cr. Misc. No. 10970/2025. 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, Siwan in connection with Darauli P.S. Case No. 351 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S., 2023 with further condition :-

(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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