

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31785 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- CHHAURADANO District- East
Champaran

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1. Sahdev Paswan S/O Bashdev Paswan Resident of Village -Kudarkat P.S.-
Chhauradano, District- East Champaran.
 2. Hari Kishore Sah S/O Late Bhali Sah Resident of Village -Kudarkat P.S.-
Chhauradano, District- East Champaran.
 3. Mithu Paswan S/O Rajdev Paswan Resident of Village -Kudarkat P.S.-
Chhauradano, District- East Champaran.
 4. Bigan Mahto S/O Late Yadavlal Mahto Resident of Village -Kudarkat P.S.-
Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

**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 Chhauradano P.S. Case No. 326 of 2024 dated
30.12.2024 registered for the offences punishable u/ss 30(a) and
41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 201 litres of illicit
Nepali country made liquor was recovered from the four jute
sacks allegedly thrown by the petitioners and the co-accused
persons.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 03.04.2025 passed in Cr. Misc. No. 16165/2025. 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 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-bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 326 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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