

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34114 of 2025

Arising Out of PS. Case No.-179 Year-2022 Thana- JADIA District- Supaul

1. Tuntun Yadav @ Premchandra Kumar S/o Pravesh Yadav R/o Vill.- Gudiya, P.S.- Jadia, Distt.- Supaul
2. Pramod Yadav @ Pramod Kumar S/o Ramji Yadav R/o Vill.- Gudiya, P.S.- Jadia, Distt.- Supaul
3. Bhavesh Yadav @ Bhavesh Kumar S/o Mahendra Prasad Yadav R/o Vill.- Gudiya, P.S.- Jadia, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Jadia P.S. Case No. 179 of 2022 dated 05.07.2022 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Sections 414, 469, 471, 120B of the IPC.

3. As per the prosecution case, total 3871.44 litres of illicit foreign liquor was recovered from the truck.

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 are not the owner of the seized vehicle and they 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 22.04.2025 passed in Cr. Misc. No. 23292/2025. 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 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 learned court concerned, Supaul in connection with Jadiya P.S. Case No. 179 of 2022, subject to conditions as laid down under Section 482(2) of the B.N.S.S.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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