

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34042 of 2025

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

1. Bharat Kumar Yadav S/o- Kamal Yadav Village- Nawdeehi Gudiya Ward No- 8 P.S- Jadia Dist- Supaul
2. Vikash Kumar S/o- Late Mahendra Yadav Village- Nawdeehi Gudiya Ward No- 8 P.S- Jadia Dist- Supaul
3. Dinesh Yadav @ Dinesh Kumar Yadav s/o- Shyamdeo Yadav Village- Gudiya W.No-4, P.S- Jadia Dist- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur
For the Opposite Party/s : Mr. Ajay Kumar No. 2

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. 179/2022 dated 05.07.2022 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Section 414, 469, 471 and 120B of the I.P.C.

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

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 and 2 are accused in one criminal case whereas the petitioner no. 3 is accused in two other cases as stated in para 3 of the bail petition. The other 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. Nothing has been recovered from the conscious possession of the petitioners hence, no case is made out against the petitioners. As per para. 8 of the bail petition, the petitioners are not the owner of the said truck. 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 Jadia P.S. Case No. 179/2022 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 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 bonds of the petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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