

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34187 of 2025

Arising Out of PS. Case No.-411 Year-2023 Thana- SAHPUR District- Bhojpur

Sunil Kumar Agrahari S/o Buddhu Lal Agrahari @ Buddhu Lal R/o C-6/13
Chetganj, P.S.- Chetganj, Distt- Varanasi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

ORAL ORDER

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

2. The Petitioner is apprehending his arrest in connection with in connection with Sahpur P.S. Case No. 411/2023 dated 08.09.2023 registered for the offence punishable u/s 419, 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 30(a), 32(1)(2), 36 and 41(1)(2) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 3888.720 litres of illicit foreign liquor, a mobile phone and documents were recovered from the truck.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The



petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is the owner of the seized vehicle but the seized vehicle was not being driven by the petitioner at the time of the alleged recovery. The petitioner has no concern with the alleged recovery. Nothing 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 22.07.2024 passed in Cr. Misc. No. 38931/2024. 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, Bhojpur at Ara in connection with Sahpur P.S. Case No. 411/2023, 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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