

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35197 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- RANIYATALAB District- Patna

1. Vishun Deo Singh Son Of Hardeo Singh @ Anant Singh Village- Raghapur Ps- Rani Talab District -Patna
2. Awadhesh Singh Son Of Hardeo Singh @ Anant Singh Village- Raghapur Ps- Rani Talab District -Patna
3. Buchal Singh @ Abhishek Singh Son Of Kanhai Singh Village- Raghapur Ps- Rani Talab District -Patna
4. Amrain Singh @ Amrendra Sharma Son Of Awadhesh Singh Village- Raghapur Ps- Rani Talab District -Patna
5. Kamlain Singh @ Kamal Nayan Sharma Son Of Matuk Singh Village- Raghapur Ps- Rani Talab District -Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Surendra Prasad Singh, Sr. Advocate Mr. S.P. Singh, Advocate Mr. Gaurav Kumar, Advocate
For the Opposite Party	:	Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-09-2025 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 102/2025 dated 08.03.2025 registered for the offence punishable under Sections 126(2), 115(2), 109, 132, 262, 263, 324(4), 324(5), 352, 351(2) and 351(3) read with Section 3(5) of the B.N.S. and Sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 10 litres of illicit



country made liquor was recovered from the back of the shop of the co-accused Arun Tanti and 30 litres of country made liquor was recovered from the house of the co-accused Kariman Manjhi. Further, raid was conducted in the house of the co-accused, Kariman Manjhi then the petitioners and the co-accused person started opposing the raid and instigated the villagers to pelt stones, due to which 200-250 miscreants surrounded the police personnel and started pelting stones, bricks, lathi, iron rod on them due to which some police officials got injured and they also damaged government vehicles. Further, the co-accused persons got into scuffle with the police personnel.

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. Nothing has been recovered from the conscious possession of the petitioners hence, no case is made out against the petitioners. The petitioners have no concern with the alleged occurrence. The other co-accused person has been granted bail by this court vide order dated 29.04.2025 passed in Cr. Misc. No. 25626/2025. Learned counsel has submitted that police seized some plastic



pipes of the petitioners which were used in irrigation then the petitioners objected, thereafter, scuffle took place between them. 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.

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, Danapur, Patna in connection with Ranitalab P.S. Case No. 102/2025, subject to conditions as laid down under Section 482(2) of the



B.N.S.S, with further condition:-

(i). The petitioners are 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 are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Atul/-

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