

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35812 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- KISHANPUR District- Supaul

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Satyendra Prasad Kamat @ Satyendra Kamat @ Sikandar Kamat S/o Late Bindeshwari Kamat @ Khattar Kamat R/o Village- Tullapatti, Ward No.- 3, P.S.- Kishanpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Goutam, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Kishanpur P.S. Case No. 20 of 2024 dated 20.01.2024 registered for the offences punishable u/ss 147, 148, 149, 341, 342, 323, 307, 353, 332, 333, 224, 504, 506 of the Indian Penal Code and u/ss 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 7.8 litres of illicit Nepali country made liquor was recovered from the cowshed of the petitioner, Sikandar Kamat who was apprehended by police. Thereafter, the co-accused persons along with 50-60 unknown miscreants got the apprehended person free from police custody



and started indiscriminate attack on the police party as a result of which all the police personnel sustained serious injuries. It is further alleged that the accused persons also caused hindrance in the discharge of the official duties of the police personnel.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. 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 persons have already been granted anticipatory bail by this court vide order dated 19.03.2024 passed in Cr. Misc. No. 22423/2024. 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, Supaul in connection with Kishanpur P.S. Case No. 20 of 2024, 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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