

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41968 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- Excise P.S. District- Saran

1. Laljee Singh @ Lallan Singh S/O Triloki Singh R/O Village-Nayaka Barka Baiju Tola,PS-Rivilganj, Distt-Saran at Chapra
2. Suraj Kumar Singh @ Chintaharan Singh @ Chitharan Singh S/O Late Narmada Singh R/O Village-Nayaka Barka Baiju Tola,PS-Rivilganj, Distt-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in a case in connection with Sadar Excise P.S. Case No. 135 of 2024 dated 26.06.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 39.12 litres of illicit foreign liquor was recovered from the bush.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The recovery has been



made from an open place which is accessible to anyone. The petitioners have no concern with the alleged recovery. The petitioner no.1 has three criminal antecedents in which he is on bail in all cases and the petitioner no.2 has one criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioners. 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 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 material available on record, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Saran at Chapra in connection with Sadar Excise P.S. Case No. 135 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with a 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 petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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