

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40089 of 2025

Arising Out of PS. Case No.-201 Year-2024 Thana- RAHIKA District- Madhubani

Arvind Kumar @ Arvind Kumar Yadav S/o- Late Shabd Narayan Yadav @
Sarv Narayan Yadav Resident of Village- Kamlapur Police Station Rahika
Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Rahika P.S. Case No. 201 of 2024 dated
18.09.2024, corresponding to G.R. No. 1321 of 2024 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 121.500 litres of
Nepali country made liquor is said to have been recovered from
the orchard.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
the present case. His name has surfaced in the present case on



the basis of disclosure made by the Mahal Chaukidar and the spy. It has been submitted that the alleged illegal liquor was recovered from the orchard but the name of the owner of the said orchard has not been disclosed in the F.I.R. which falsifies the prosecution case. No incriminating article has been recovered from his conscious possession. He has no concern with the alleged offence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. It is further submitted that the co-accused person has already been granted regular bail by this Court vide order dated 27.03.2025 passed in Cr. Misc. No. 10469 of 2025. Learned counsel has submitted that no case is made out against the petitioner. 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 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 material available on record, 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, Madhubani in connection with Rahika P.S. Case No. 201 of 2024, 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)

shivam/-

U		T	
---	--	---	--

