

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40008 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- NARHATT District- Nawada

1. Vikash Rajbanshi @ Vikash Kumar S/o Indradev Rajbanshi @ Indradev Karu Rajbanshi @ Inerdev Rajbanshi @ Mansur Rajbanshi Resident of Village- Baniyabigha, PS- Narhat, Distt.- Nawada
2. Jitendra Rajbanshi @ Jitendra Kumar S/o Late Krishna Rajbanshi Resident of Village- Baniyabigha, PS- Narhat, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Adv.
For the Opposite Party/s : Mr.Renuka Ratnakar, 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 Narhat P.S. Case No. 65 of 2025 dated 27.02.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 86 litres of illicit country made liquor was recovered, out of which 25 litres of country made liquor was recovered from the house of the co-accused and 61 litres of country made liquor was recovered from the bamboo orchard.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 has one criminal antecedent whereas the petitioner no. 2 has no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioners was disclosed by the apprehended co-accused person. The petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 30.04.2025 passed in Cr. Misc. No. 27129/2025. 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 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 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, Nawada, in connection with Narhat P.S. Case No. 65 of 2025, subject to conditions as laid down under Section 482(2) of the B.N.S.S.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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