

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38038 of 2025

Arising Out of PS. Case No.-464 Year-2024 Thana- Excise P.S. District- Gopalganj

Sonu Kumar S/O Bipin Prasad R/O Village-Rajepur, PS-Rajepur, Distt-East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Nityanand

**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 Gopalganj Excise P.S. Case No. 464 of 2024
dated 26.05.2024 registered for the offences punishable u/ss
30(a) and 32 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 400.320 litres of
illicit foreign liquor was recovered from the dickey of the car.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. The petitioner is not the owner of the said vehicle as
stated in para-9 of the bail petition. Nothing has been recovered
from the conscious possession of the petitioner. The petitioner



has no concern with the alleged recovery. The petitioner has clean antecedent as stated in para 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 22.07.2024 passed in Cr. Misc. No. 51346 of 2024. 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,
Gopalganj in connection with Gopalganj Excise P.S. Case No.
464 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)

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