

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40038 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- Bhelahi District- East Champaran

Jhapas Chaudhary @ Japas Devi S/o Late Mangal pasi Resident of village -
Bhelahi, P.S.- Bhelahi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

**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 Bhelahi P.S. Case No. 28 of 2025 dated 12.03.2025 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 33.185 litres of illicit foreign liquor was recovered from the house of the co-accused, Munna Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the



petitioner has no concern with the alleged recovery. The petitioner has one criminal 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 12.05.2025 passed in Cr. Misc. No. 30179 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 materials available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is disposed of and the



petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner on the same day in accordance with law without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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