

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42933 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- BABUBARHI District- Madhubani

Satu Yadav @ Satrudhan Yadav S/o- Sikandar Yadav Village- Aurhi, ward no-
4 P.S- Babubarhi District-Madaubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

2 01-08-2025 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 Babubarhi P.S. Case No. 298 of 2024 dated 30.06.2024 registered for the offences punishable u/ss 272, 273, 414 read with Section 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 630 litres of illicit Nepali country-made liquor was recovered from the mango orchard of one Subodh Yadav and a Bolero vehicle and a motorcycle were also recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. Local Chowkidar disclosed the name of the petitioner. The recovery has been made from an open place which is accessible to anyone. As per para-13 of the bail petition, the seized vehicles do not belong to the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has no 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 29.04.2025 passed in Cr. Misc. No. 25570 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 Babubarhi P.S. Case No. 298 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S., with further condition:-

(i) The petitioner is 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 petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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