

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45699 of 2025

Arising Out of PS. Case No.-311 Year-2021 Thana- TURKAULIYA District- East Champaran

Raju Sahani @ Rajdutt Chaudhary S/o Bhado Lal Sahni R/o Village-
Majhariya ,P.S-Raghunath Pur ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, 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 connection with Turkauliya (Raghunath Pur) P.S. Case No. 311 of 2021 dated 10.04.2021 registered for the offences punishable u/ss 272, 273 read with Section 34 of the Indian Penal Code and Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 6.210 litres of illicit English liquor was recovered from the rented room of the co-accused, Chuman Sahani.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The



petitioner has one criminal antecedent as stated in para 3 of the bail petition. The apprehended person disclosed the name of the petitioner. The petitioner has no concern with the alleged recovery rather the recovery has been made from the co-accused person namely, Chuman Sahni. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 24.08.2023 passed in Cr. Misc. No. 53200/2023. 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 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 nature of allegation against the petitioner, 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, East Champaran at Motihari in connection with Turkauliya (Raghunath Pur) P.S. Case No. 311 of 2021, 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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