

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49901 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- DURAULI District- Siwan

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1. Ram Pravesh Sahani S/o Late Lakhichandra Sahni R/o Village- Balahun Toila Tadi, P.S.- Darauli, District- Siwan
 2. Ashok Bin S/o Chinna Bin @ Ganga Sagar R/o Village- Balahun Toila Tadi, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darauli P.S. Case No. 351 of 2024 dated 03.11.2024 registered for the offences punishable u/ss 30(a) and 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 249 litres of illicit country made liquor kept in eight sacks was recovered near the house of the co-accused, Balindra Yadav situated at diyara.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated at para 3 of the



bail petition. The name of the petitioners was disclosed by the apprehended co-accused, Deepak Sahni. The petitioners have no concern with the alleged recovery rather the recovery has been made near the house of the co-accused person. No incriminating article has been recovered from the conscious possession of the petitioners, hence no case is made out. The co-accused person has already been granted anticipatory bail by this court vide order dated 20.06.2025 passed in Cr. Misc. No. 28522/2025. 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 anticipatory 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 the learned court concerned, Siwan in connection with Darauli P.S. Case No. 351 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S., 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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