

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51020 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Tilak Rai Ka Hata District- Buxar

Pankaj Rai S/o Ravindra Rai @ Ravindra Nath Rai R/o Village- Arjunpur,
Neyazipur, P.S.- Ram Das Rai Ka Dera, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey

For the Opposite Party/s : Mr. Binod Kumar

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

ORAL ORDER

2 08-08-2025 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 Tilak Rai Ka Hata P.S. Case No. 47 of 2025 dated 28.04.2025 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 688.485 litres of illicit foreign liquor was recovered from the house of the co-accused, Triloki Pathak.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. 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 anticipatory bail by the Co-ordinate Bench of this Court vide order dated 18.06.2025 passed in Cr. Misc. No. 37693 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, Buxar in
connection with Tilak Rai Ka Hata P.S. Case No. 47 of 2025,
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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