

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49879 of 2025

Arising Out of PS. Case No.-619 Year-2025 Thana- MAHUA District- Vaishali

1. Navin Chaurasiya Son of Vishwanath Chaurasiya Village -Sherpur Chhatwara PS -Mahua Distt -Vaishali
2. Rajiv Chaurasiya Son of Jagdish Bhagat Village- Bankarpur, Ps- Punpun, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Adv.

For the Opposite Party/s : Mr. Nityanand, 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 a case in connection with Mahua P.S. Case No. 619 of 2025 dated 02.06.2025 registered for the offences punishable u/ss 274, 275 read with section 3(5) of the BNS and section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1312.56 litres of illicit foreign liquor was recovered from the house of the co-accused, Aniket Chaurasiya @ Aniket Kumar.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The apprehend co-accused person disclosed the name of the prtitioners. The petitioners have no concern with the alleged recovery. The petitioner no.1 has four criminal antecedent and the petitioner no.2 has one criminal antecedent in which they are on bail in all cases 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 09.07.2025 passed in Cr. Misc. No. 43843 of 2025. Learned counsel has submitted that no case is made out against the petitioners. 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 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 material available on record, 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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 619 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S., with further condition:-

(i) The petitioners are 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 petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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