

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52827 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- JALALPUR District- Saran

Om Prakash Singh S/O Late Durga Singh R/O Vill.- Bhatkeshari, P.S.-
Jalalpur, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**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 Jalalpur P.S. Case No. 50/2025 dated 20.03.2025 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act, Section 109 of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, total 172.800 litres of illicit foreign liquor was recovered from the motorcycle and Scorpio.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious



possession of the petitioner. As per para-10 of the bail petition, the petitioner is not the owner of the said vehicles. The petitioner has one antecedent as stated in para 3 of the bail petition. The co-accused person has already been granted anticipatory bail by this Court vide order dated 25.07.2025 passed in Cr. Misc. No. 38835 of 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 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, Saran at
Chapra in connection with Jalalpur P.S. Case No. 50/2025,
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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