

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53839 of 2025

Arising Out of PS. Case No.-1246 Year-2024 Thana- DANAPUR District- Patna

Ranjan Kumar son of Prabhas Chandra Jaiswal Village- Kanti Bhawan
Harnichak, Anisabad PS- Beur District -Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gun Sagar Mahto
For the Opposite Party/s : Mr.Tapeshwar Sharma

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

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Danapur P.S. Case No. 1246/2024 dated 10.12.2024 registered for the offences punishable u/s 30(a) and 41 of the Bihar Prohibition and Excise Act and Sections 25(1-B) (a), 26 and 35 of the Arms Act.

3. As per the prosecution case, total 2582.73 litres of illicit foreign liquor was recovered from the godown of the co-accused, Rahul Kumar. Three cars, two motorcycles, one pistol and 10 live cartridges were also recovered from the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The other co-accused person has already been granted regular bail by this court *vide* order dated 05.03.2025 passed in Cr. Misc. No. 13877/2025. The petitioner is the owner of one of the seized vehicles from which nothing was recovered. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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, Danapur, Patna, in connection with Danapur P.S. Case No. 1246/2024, subject to conditions as laid down under section 482(2) of the B.N.S.S.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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