

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56771 of 2025

Arising Out of PS. Case No.-676 Year-2024 Thana- SONEPUR District- Saran

1. Kishori Rai @ Nand Kishore Rai S/o- Deoraj Ray Vill- Chitersen Nagar, P.S- Sonpur, Distt- Saran at Chapra
2. Rambhu Rai S/o- Deoraj Ray Vill- Chitersen Nagar, P.S- Sonpur, Distt- Saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonpur P. S. Case No. 676 of 2024 dated 04.08.2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 50 litres of illicit country made liquor was recovered from the field behind the house of the co-accused Shambhu Rai.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners have been



transpired on the basis of confessional statement of the co-accused person. No incriminating articles have been recovered from the conscious possession of the petitioners, hence no case is made out. The petitioners have two criminal antecedents as stated in para 3 of the bail petition. The co-accused person namely Shrawan Rai has been granted regular bail by this Court vide order dated 25.10.2024 passed in Cr. Misc. No. 75183 of 2024. 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 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 Sonpur P. S. Case No. 676 of 2024, 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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