

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57455 of 2025

Arising Out of PS. Case No.-318 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Manish Kumar @ Sonu Son of Kailash Ray Resident of village - Saifpur,
P.S.- Ganga Bridge, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, 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 petitioner is apprehending her arrest in connection with Ram Krishna Nagar P. S. Case No. 318 of 2022 registered for the offences punishable under Sections 30(a), 32(ii) and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police party raided the house of one Om Prakash Singh. On search, total 150.45 litres of illicit liquor was recovered from different vehicles.

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. The



petitioner is neither the owner nor the driver of the said vehicles. 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,



Patna in connection with Ram Krishna Nagar P. S. Case No. 318
of 2022, 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)

Siddharth Soni/-

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