

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57435 of 2025

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

=====

Kishan Kumar @ Kishan Pandit @ Kishun Kumar S/O Late Arjun Pandit R/o
Village- Bhatkeshri, P.S.- Jalalpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, 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 his arrest in connection with Jalalpur P.S. Case No. 50 of 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 and later Sections 132, 121(1) and 121(2) of B.N.S. were added.

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. The petitioner has one criminal antecedents as stated in para 3 of the bail petition. The apprehended person disclosed the name of the petitioner. The other co-accused person has already been granted anticipatory bail by this court *vide* order dated 12.09.2025 passed in Cr. Misc. No. 53731 of 2025. 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, Saran At Chapra in connection with Jalalpur P.S. Case No. 50 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S, with further condition:-

(i). The petitioner is 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 petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

Siddharth Soni/-

U		T	
---	--	---	--

