

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62340 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- SINGHWARA District- Darbhanga

Sita Ram Sah @ Seeta Ram Shah S/o Ram Sresht Shah @ Ram Shreshtha
Sah R/o Village- Olipur Sarahchiya, P.S- Mahindwara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, 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 Singhwara P.S. Case No. 82/2025 dated 10.04.2025 for the offences punishable u/s 30(a), 30(c), 30(d), 30(e), 30(g), 33 and 36 of the Bihar Prohibition and Excise Act and Section 318(4) of the B.N.S.

3. As per the prosecution case, total 89.25 litres of illicit foreign liquor along with raw materials of manufacturing of liquor were recovered from the house of the co-accused, Vivek Kumar Mishra. It is further alleged that four motorcycles were also recovered from the place of occurrence.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner has four criminal antecedents and he is on bail in all the aforesaid cases as stated in para 3 of the bail petition. The other co-accused person has been granted regular bail by this court vide order dated 29.07.2025 passed in Cr. Misc. No. 50141/2025. The petitioner is the owner of one of the seized motorcycles. 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, Darbhanga in connection with Singhwara P.S. Case No. 82/2025, 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)

Atul/-

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