

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57705 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- CHIRAIYA District- East Champaran

1. Niraj Kumar S/O Yadavlal Yadav Resident of Village - Katkuiya , P.S. - Chiraiya, Dist.- East Champaran
2. Vikash Kumar S/o Yogendra Yadav Resident of Village - Katkuiya , P.S. - Chiraiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra 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 petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 181 of 2025 dated 08.05.2025 registered for the offences punishable u/s 30(a) and 41 (1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 216 litres of illicit foreign liquor was recovered from the Scorpio.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle. The petitioner has no concern with the alleged recovery. No incriminating article has been recovered from the conscious



possession of the petitioner, hence no case is made out. The petitioner has got two criminal antecedents. 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, 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, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 181 of 2025, subject to conditions as laid down under



section 438(2) of the Code of Criminal Procedure 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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