

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61940 of 2025

Arising Out of PS. Case No.-381 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Shankar Chaudhary Son of Late Lakshman Chaudhary Resident of Village -
Maujsha, Ward No.- 5, P.S.- Kishanpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Sarthy

For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending his arrest in a case in connection with Excise P.S. Case No. 381 of 2025 dated 31.01.2025 registered for the offences punishable under Sections 30(a), 32(1)(3) and 41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 1061.640 litres of foreign liquor was recovered from the Bolero Pick-up vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the registered owner of the said vehicle as stated in para-5 of the bail petition. It is further



submitted that the petitioner was not apprehended at the place of occurrence. The petitioner has no concern with the alleged offence. No incriminating article has been recovered from his possession. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 21.07.2025 passed in Cr. Misc. No. 47622 of 2025. Learned counsel has submitted that no case is made out against the petitioner. 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 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 material available on record, 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, Kaimur (Bhabhua) in connection with Excise P.S. Case No. 381 of 2025, 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)

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