

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68877 of 2025

Arising Out of PS. Case No.-767 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

Jaimangal Sahani Son of Sheodhari Sahani village- Jhakhiya P.S -Banjariya
Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Suresh Prasad Singh

=====

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

ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya (Banjariya) P.S. Case No. 767 of 2023 dated 07.07.2023 for the offences punishable u/ss 30(a) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 160 litres of illicit country made liquor and 5000 litres of raw materials were recovered from the bank of Jhakhiya.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has six criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner was



disclosed by local the Chowkidar. It is further submitted that the petitioner has no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. Nothing has been recovered from the conscious possession of the petitioner, hence 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 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, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 767 of 2023, subject to conditions as laid down under section 482(2) of the BNSS, with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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

