

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75404 of 2024

Arising Out of PS. Case No.-250 Year-2024 Thana- BARHARA District- Bhojpur

1. Jawala Singh @ Jwala Singh Son of Rana Pratap Singh @ Rana Singh R/O- Nathmalpur, P.S- Barhara, District- Bhojpur
2. Arvind Kumar Singh Son of Jitendra Singh R/O- Nathmalpur P.S- Barhara, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Barhara P.S. Case No. 250 of 2024 dated 18.08.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 700 litres of illicit country-made Mahuwa liquor was recovered from the boat.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The



petitioners are not the owner of the said boat. The petitioners have no concern with the alleged recovery. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioners. 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 petitioners 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 petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Bhojpur, Ara in connection with Barhara P.S. Case No. 250 of 2024, subject to conditions as laid down under section 482(2) of the BNSS.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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