

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80774 of 2024

Arising Out of PS. Case No.-902 Year-2024 Thana- MADHEPURA District- Madhepura

Suman kumar @ Suman Yadav Son of Surendra Kumar @ Surendra Kumar
Yadav @ Surendra Yadav R/O Vill.- Sattar, Ward no. 7, P.S.- Bihra, Dist.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The Petitioner is apprehending his arrest in connection with in connection with Madhepura P.S. Case No. 902 of 2024 dated 06.08.2024 registered for the offences punishable u/ss 111(2)(b) and 111(3) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 748.5 litres of illicit foreign liquor was recovered from the truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner has been made accused



in this case only because he is the owner of the said vehicle but he has no concern with the alleged recovery. Nothing 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,
Madhepura in connection with Madhepura P.S. Case No. 902 of
2024, 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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