

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73384 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- DAGARUA District- Purnia

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Guddu Paswan S/o Banhai Paswan @ Banai Paswan @ Binay Paswan R/o
Village- Suhai @ Sehai, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, APP

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

ORAL ORDER

2 31-10-2025 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 Dagarua P.S. Case No. 22 of 2025 dated 23.01.2025 registered for the offences punishable u/ss 274, 275, 318(4), 338, 336(3), 340(2) read with Section 3(5) of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 3707.400 litres of illicit foreign liquor was recovered from the tanker 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 neither the owner nor the driver of the said vehicle as stated in para-6 of the bail petition. The



petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has nine criminal antecedents in which he is on bail in eight criminal cases as stated in para 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 23.04.2025 passed in Cr. Misc. No. 24671 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, Purnia in connection with Dagarua P.S. Case No. 22 of 2025, subject to conditions as laid down under section 482(2) of the Code of Criminal Procedure, with 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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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