

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83112 of 2024

Arising Out of PS. Case No.-581 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Vikas Kumar Son of Manibhushan Singh Resident of Village - 555 Lalbag
Gali, Kapsahera Gaown, P.S. - Malikpur Kohi @ Rangpuri, District - South
Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Excise P.S. Case No. 581 of 2024 dated 14.07.2024 registered for the offences punishable u/ss 30(a), 32(1) & (3), 41(1) & (2) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 354 litres of illicit foreign liquor was recovered from the middle seat of the car.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. No incriminating article has been recovered from



the conscious possession of the petitioner, hence no case is made out. The co-accused persons have already been granted regular bail by this court vide order dated 11.09.2024 passed in Cr. Misc. No. 66154 of 2024. 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,
Kaimur at Bhabhua in connection with Excise P.S. Case No. 581
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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