

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80204 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- SARSI District- Purnia

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1. Guddu Paswan S/O Banhai Paswan @ Banai Paswan @ Binay Paswan
Resident of village- Suhai @ Sohail, P.S.- Vaishali, Dist.- Vaishali
 2. Manish Kumar S/O Shushil Paswan Resident of village- Suhai @ Sohail,
P.S.- Vaishali, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akbar Ali, APP

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

ORAL ORDER

2 05-12-2025 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 Sarsi P.S. Case No. 81/2025 dated 25.04.2025
registered for the offences punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 2891.700 litres of
illicit foreign liquor was recovered from the truck trolley.

4. Learned counsel for the petitioners has submitted
that the petitioners are innocent and have falsely been
implicated in this case. The petitioner no. 1 has nine criminal
antecedents whereas the petitioner no. 2 has no criminal



antecedent as stated in para 3 of the bail petition. The name of the petitioners was disclosed by the co-accused person. The petitioners are neither the owner nor the driver of the seized vehicle and they have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 15.07.2025 passed in Cr. Misc. No. 44578/2025. 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 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 nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on 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 learned court concerned, Purnia in connection with Sarsi P.S. Case No. 81/2025, subject to conditions as laid down under Section 482(2) of the B.N.S.S. with the condition :-

(i) The petitioner namely, Guddu Paswan 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. This application stands allowed.

(Chandra Prakash Singh, J)

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