

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1021 of 2025

Arising Out of PS. Case No.-144 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Binod Kumar Singh @ Binni Singh @ Vinod Singh @ Vinod Kumar Singh
son of Chandeshwar Singh Village -Baghi PS -Karpurigram (earstwhile PS-
Samastipur Muffasil)Distt -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Musrigharari P.S Case No. 144 of 2023, dated 14.09.2023, for the offences punishable under Sections 30(a), 32 and 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 3519.36 litres of illicit foreign liquor was recovered from the three different vehicles near the Waste Management Office.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The said vehicle was not being driven by the petitioner at the time of alleged occurrence. The petitioner has no concern



with the alleged recovery. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The other co-accused person has already been granted bail by this court *vide* order dated 04.10.2024, passed in Cr. Misc. No. 59030 of 2024. No incriminating article 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, Samastipur, in connection with Musrigharari P.S. Case No. 144 of 2023, subject to conditions as laid down under section 438(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 bond of the petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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