

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.464 of 2026

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

Raj Kishore Ray @ Malahu S/o- Sonelal Ray Village- Chakamir Banki PS-
Baligaon Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Suruchi Anand

For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Patepur P.S. Case No. 112 of 2023 for the offences punishable u/s 420 and 120(B) of the Indian Penal Code and Sections 30(a), 32 (ii) and 41 (i) of the Bihar Prohibition and Excise Act 2016.

3. As per the prosecution case, total 4725.72 litres of illicit Indian made foreign liquor was recovered from the vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case as he is the owner of the alleged vehicle which was purchased by him from one Indu Sinha, but still



registration certificate of the vehicle in issue is in favour of Indu Sinha and was not transferred in favour of 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 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. While concluding the argument, it is submitted that similarly situated co-accused namely Manoj Kumar Mahto has already granted anticipatory bail by coordinate Bench of this Court through Cr. Misc. No. 66162 of 2023 dated 15.02.2023. Petitioner is a man of clean antecedent.

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 accusation, where recovery of illicit liquor prima-facie not appears to be made from the physical possession of petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of four weeks from today, be released on bail upon furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Prohibition and Excise Court-II, cum District and Additional Sessions Judge, Hajipur at Vaishali in connection with Patepur P.S. Case No. 112 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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