

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33716 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

=====

Akhilesh Yadav@ Tuntun Yadav, Son of Late Mishri Lal Yadav, Village
-Tamout Parsa, Ward No 12, Ps -Murliganj, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

=====

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

ORAL ORDER

2 24-06-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection

with Madhepura Excise P.S. Case No. 309 of 2022 dated

14.07.2022 registered for the offences punishable u/s 30 (a) of

the Bihar Prohibition and Excise Act.

As per prosecution case, total 8.40 litres of illicit

country made liquor was recovered from the accused person

Praveen Kumar and he also disclosed that the petitioner is the

supplier of the said illicit liquor.



Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the possession of the co-accused person. Learned counsel has submitted that no case is made out against the petitioner. The petitioner is accused in two other criminal cases which is similar in nature as stated at para 3 of the bail petition. 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.

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.

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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Madhepura Excise P.S. Case No. 309 of 2022, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

