

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71133 of 2022**

Arising Out of PS. Case No.-121 Year-2022 Thana- GANGABRIDGE District- Vaishali

ANIL RAI @ NOKHA @ ANIL RAY Son of Rajendra Rai Resident of
Village- Terasiya Ward No. 8, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur
For the Opposite Party/s : Mr.Arun Kumar

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

ORAL ORDER

2 13-01-2023 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
Special Public Prosecutor for the State through video-
conferencing.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 30A and 30C of the
Bihar Prohibition and Excise Act.

As per the prosecution case, an equipment for
preparing liquor, 200 litres *kaccha java* liquid and 15 litres
country-made liquor were recovered from the banana plantation
in the village of Terasiya.

Learned counsel for the petitioner has submitted that



the petitioner has falsely been implicated in this case on account of village politics. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Nothing has been recovered from the possession of the petitioner. No eye witness was present. The petitioner had no knowledge about the said occurrence. The name of the petitioner was disclosed by local villagers. Learned counsel has submitted that no case is made out against the petitioner. Learned Counsel has relied on the judgement 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 S.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 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, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 121 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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