

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64809 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- RANIGANJ District- Araria

Gautam Kumar @ Guddu Nayak Son Of Ramesh Nayak @ Subodh Nayak
Resident Of Village - Jagta, P.S. - Raniganj, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Raniganj P.S. case No. 352 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. There is recovery of 3406.56 liters of Indian Made Foreign liquor (IMFL) from a truck. Devkaran Bangarma and Dilshad were apprehended from the place, who have stated about the petitioner's involvement in the instant case.

4. Learned counsel for the petitioner submits that the name of the petitioner has been inserted in the statement of co-accused arrested because of his antecedents arising out of Bhargama P.S. case No. 140 of 2021. The petitioner has no



concern with the alleged recovery or the truck from which it was recovered.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre- arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in *2019(2) PLJR 1089*. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Araria, in connection with Raniganj P.S. case No. 352 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure



with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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