

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68232 of 2023**

Arising Out of PS. Case No.-62 Year-2023 Thana- PANJWARA District- Banka

Navgopal Mandal S/O Nandlal Mandal R/O Village- Sabaljora, P.S And  
Distt.- Godda(Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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

ORAL ORDER

2      31-10-2023                      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.

2. Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

3. The Petitioner is apprehending his arrest in a case in  
connection with Panjwara P.S. Case No. 62 of 2023 for the  
offences punishable u/s 30(a) of the Bihar Prohibition and  
Excise Act.

4. As per the prosecution case, total 60 litres of  
country made liquor was recovered from a motorcycle.

5. 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. The said motorcycle was being driven by the *Bhagna* of the petitioner. The petitioner is the owner of the said motorcycle. The petitioner has no criminal antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the 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 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.

6. 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.

7. Considering the aforesaid facts and circumstances of the case as well as the material available on record, 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, Banka in  
connection with Panjwara P.S. Case No. 62 of 2023, subject to  
conditions as laid down under section 438(2) of the Code of  
Criminal Procedure.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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