

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65390 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- ROHTAS District- Rohtas

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Rakesh Ranjan @ Rakesh Ranjan Singh Son Of Late Ram Swarup Singh
Resident Of Village - Madhe, P.S. - Barem O.P. (NABINAGAR), District -
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-11-2023 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 Rohtas P.S. Case No. 204 of 2022 dated

07.06.2022, GR No. 558 of 2022 for the offence/s punishable

u/s 30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 25 litres of illicit

liquor was recovered from the house of the co-accused Jagruk

Bhuiyan and further 46 litres of illicit 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. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that as per annexure-2 the said vehicle has already been sold by the petitioner. The said vehicle was not being driven by the petitioner at the time of alleged occurrence. The petitioner has no concern with the alleged recovery. The petitioner was made accused in this case only because he is the owner of the said vehicle. Learned counsel has further submitted that the recovery is made from the house of the co-accused, Jagruk Bhuiyan. The petitioner has no criminal antecedent 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, Rohtas at Sasaram in connection with Rohtas P.S. Case No. 204 of 2022, GR No. 558 of 2022, 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)

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