

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65528 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- JANDAHA District- Vaishali

=====

VEERESH KUMAR S/O Late Ramjivan Prasad Sinha R/O Village- Ufraul ,
P.S- Desari, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

=====

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

ORAL ORDER

2 03-02-2023 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.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 30(a), 41(i) of Bihar

Prohibition and Excise Act.

As per the prosecution case, 345.195 foreign liquor

has been recovered from the vehicle bearing registration no.

BR31GA9563.

Learned counsel for the petitioner has submitted that

the petitioner has falsely been implicated in this case. The



petitioner is not named in the FIR. The petitioner is the owner of the said vehicle. The vehicle was being driven by driver. The petitioner was quite unknown about the said act. The said vehicle in question is used as public carrier. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. 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 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, 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 learned Court concerned, Vaishali in connection with Jandaha P.S. Case No. 264 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)

niku/-

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

