

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71688 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- DIDARGANJ District- Patna

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Srikant Ram @ Srikant Kumar, Son of Madan Ram, R/O Fatehpur Dakshin
Tola, P.S.- Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bindu Kumari, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, Sp.PP

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**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 virtual court

proceeding.

The petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 30 (a) and 36 of the

Bihar Prohibition and Excise Act.

As per the prosecution case, the police got

information about stored illicit liquor in a rented house. After

getting this information, a raid was conducted. The liquor was

recovered from the rented house of the petitioner.



Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner has been implicated in this case due to animosity. Learned counsel has further submitted that the quantity of liquor has not been mentioned in the seizure list. Nothing has been recovered from the possession of the petitioner. 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 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 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 Special Judge Excise Act, Patna City in connection with Didarganj P.S. Case No. 213 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)

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