

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77696 of 2023

Arising Out of PS. Case No.-481 Year-2023 Thana- KADAMKUAN District- Patna

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SANCHIN KUMAR Son of Late Tanikeshwar Prasad Singh R/o Kazipur
Naya Tola Soramkothi, P.S.- Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Adv.
For the Opposite Party/s : Mrs.Rita Verma, APP

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

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with A.B.P. No. 8300/2023 arising out of
Kadamkuan P.S. Case No. 481 of 2023 dated 10.08.2023
registered for the offences punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 1203.270 litres of
illicit foreign liquor was recovered from a *Scooty* and a godown.

4. 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 in para 3 of the
bail petition. Nothing has been recovered from the conscious



possession of the petitioner, hence no case is made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged recovery. 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.

5. 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.

6. 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 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,



Patna in connection with Kadamkuan P.S. Case No. 481 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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