

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71434 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- MAHUA District- Vaishali

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RANJEET KUMAR @ RANJEET KUMAR SINGH, Son of Surendra Singh
@ Ram Sagar Singh, Resident of village - Chatwara, P.S. - Mahua, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, SPP.

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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 video

conferencing.

The petitioners is apprehending his arrest in

connection with Mahua P. S. Case No. 369 of 2021 registered

for the offences punishable under Sections 30 (a), 32(ii), 34(ii),

38(ii) and 41(i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, on 22.06.2021 the police,

on a secret information, reached the place of occurrence and

seized one Pick-Up Van bearing registration no. BR01GE-2774



while on seeing the police, all the F.I.R. named accused persons fled away. On search, total 2023.560 litres of foreign liquor was recovered from the said vehicle.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It has further been submitted that no incriminating material has been recovered from the possession of the petitioner. He is not the owner of the said vehicle. It has also been submitted that the petitioner is not involved in any kind of illegal business of liquor. The name of the petitioner has been dragged in this case on the basis of mere suspicion. The petitioner is accused in one more criminal case, which is related to the Excise Act, as stated in paragraph 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.



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, 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-bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Vaishali at Hajipur in connection with Mahua P. S. Case No. 369 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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