

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75788 of 2023

Arising Out of PS. Case No.-1393 Year-2023 Thana- Excise P.S. District- Patna

Urmila Sinha W/O Nand Kishor Prasad Sinha R/O Village- Ramchak, P.S-
Nagarnausa, Distt.- Nalanda. A/P Sun Bhawan, Indralok Nagar Sector, Near V
Ganga Vallery School, P.S- Bypss Distt.- Patna(Owner Of Godown).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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

ORAL ORDER

2 12-12-2023 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

connection with Excise P.S. Case No. 1393 of 2023 dated

04.09.2023 for the offences punishable u/s 30(a), 32, 56(b) and

62 of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 260.64 litres of

illicit liquor and 46 litres of beer were recovered from the

godown.

5. 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. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. It is further submitted that the petitioner rented godown on valid kiryanama duly executed by Vikash Kumar son of Prakash Mehta and this petitioner on non judicial stamp paper on 26.07.2023 for the purpose of storage of transport articles and the same has been duly made by the Notary public. The petitioner is a lady. 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.

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 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 Excise P.S. Case No. 1393 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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