

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75247 of 2022

Arising Out of PS. Case No.-452 Year-2022 Thana- MASHRAK District- Saran

Manish Singh @ Manish Kumar Singh Not Given Resident Of Village-
Kawalpura Tole Ekauna, P.S.- Mashrak, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, A.P.P

**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
Additional Public Prosecutor for the State through video-
conferencing.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 30, 30(a) and 41 of the
Bihar Prohibition and Excise Act.

As per the prosecution case, 100 litres of country-
made liquor was recovered from the bush situated near
Bhagmati Sthan.

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. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is not concern with the alleged occurrence. 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 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, 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,
Saran at Chapra in connection with Mashrak P.S. Case No. 452
of 2022, subject to conditions as laid down under section 438(2)
of the Code of Criminal Procedure

(Chandra Prakash Singh, J)

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