

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72919 of 2022**

Arising Out of PS. Case No.-222 Year-2022 Thana- GORIAKOTHI District- Siwan

Rajendra Ram, S/O Late Rajbalam Ram, Resident of village- Harijan Toli,  
P.S.- Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

ORAL ORDER

2      20-01-2023                      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  
Additional Public Prosecutor for the State through virtual court  
proceeding.

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

As per the prosecution case, 35.280 litres of country  
made wine was recovered near the house of the co-accused  
Bhagwan Chaurasia. The apprehended persons disclosed the  
name of the petitioner as Rajendra Ram who fled away from the



spot.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has further submitted that the name of the petitioner has transpired in this case on the basis of disclosure of the co-accused persons. Nothing incriminating has been recovered from the possession of the petitioner. The petitioner is accused in one more criminal case which is related to Excise Act as stated in para 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 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 as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his/her 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 Court concerned, Siwan in connection with Goreakothi P.S. Case No. 222 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)**

Gautam/-

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