

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73726 of 2022

Arising Out of PS. Case No.-110 Year-2020 Thana- PAROO District- Muzaffarpur

RAVI KUMAR Son of Shyam Kumar Singh Resident of Village - Muja
Bangara, P.S.- Deoriya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Anant Kumar 1

**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 video-
conferencing.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 414 read with 34 of
the Indian Penal Code and Section 30 and 30(a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, on seeing the police, the
driver of the vehicle started fleeing away towards Deoriya and
on search 5046.840 litres of illicit foreign liquor was recovered



from the truck bearing Reg. No. UP78BT-6065. The said vehicle appeared to be stolen.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in three other criminal cases which are related to excise act as stated at para 3 of the bail petition. Nothing has been recovered from the possession of the petitioner. The petitioner is not the owner of the said vehicle. On the basis of secret information the name of the petitioner has transpired in this case. 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 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, Muzaffarpur in connection with Paroo P.S. Case No. 110 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further conditions:-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

The application stands allowed.

(Chandra Prakash Singh, J)

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