

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73343 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Sanjeev Thakur @ Sanjeev Kumar Thakur Son Of Ras Narain Thakur @
Ramnarayan Thakur R/O Village- Balani Mahath, P.S.- Bhairavsthan,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Shaheen Begum,A.P.P

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

ORAL ORDER

3 25-02-2023 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.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 341, 420, 467, 468 and

471 of the Indian Penal Code and Section 30(a), 32 and 41 of

the Bihar Prohibition Act.

As per the prosecution case, 2208.600 litres of illicit

foreign liquor was recovered from the truck container.

Learned counsel for the petitioner has submitted that



the petitioner has falsely been implicated in this case. The petitioner is accused in two other criminal cases which are related to Excise Act as stated in para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is neither the driver nor the owner of the said vehicle. The petitioner is no concern with the alleged recovery. 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, Jhanjharpur (Madhubani) in connection with G.R No. 903/2022 arising out of Bhairavsthan P.S. Case No. 191 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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