

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73702 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

=====

MANJEET KUMAR @ MANJIT KUMAR S/o Chandeshwar Ray R/o
Village- Shahpur Mircha, P.S.- Kurhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Syed Ehteshamuddin

=====

**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 30(a) of the Bihar

Prohibition and Excise Act.

As per the prosecution case, 4494.240 litres of

country-made foreign liquor was recovered from different

vehicles. In which 405 litres foreign liquor was recovered from

the seized vehicle (Tata ACE) owned by the co-accused



Ramesh Kumar Agarwal.

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 possession of the petitioner. No case is made out against the petitioner. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 23.12.2022 passed in Cr. Misc. No. 67292 of 2022. The petitioner is not the owner of the seized vehicle (Tata ACE). 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, Samastipur in connection with Excise P.S. Case No. 94 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

