

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73457 of 2022**

Arising Out of PS. Case No.-336 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

SONU KUMAR S/O Vijay Bahadur Singh R/O Village Suraudha, P.S- Itarhi,  
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

**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, on seeing the police, the driver of Scorpio vehicle started fleeing away but was apprehended by the police who disclosed his name as Praduman Singh and he also disclosed the name of the other accused



person as Ranjan Kumar Singh. On search of the vehicle total 155.520 litres of Indian liquor was recovered. The apprehended person also disclosed that the petitioner is the owner of the said vehicle who is his uncle.

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. The said vehicle was being driven by the driver Praduman Singh and the petitioner has no knowledge about the said 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 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, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 336 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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