

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74254 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- PAROO District- Muzaffarpur

GIRISH RAI @ GIRISH KUMAR SON OF SUKHDEV RAI R/O
VILLAGE- MATIHANI, P.S.- PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, 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 arrest in a case registered for the offences punishable u/s 30(a), 31, 32, 33 and 41(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total 86.4 litres of foreign liquor was recovered from a *Santro* car.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing



has been recovered from the possession of the petitioner. The name of the petitioner has transpired on the confessional statement of the co-accused Arvind Rai. The other co-accused person Babloo Rai has already granted bail by the co-ordinate bench of this court *vide* order dated 25.11.2022 in Criminal miscellaneous No. 58638 of 2022. The petitioner has also accused in two other cases which are 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 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.

Considering the aforesaid facts and circumstances of the case as well as the material available on record, 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, Muzzafarpur in connection with Paroo P.S. Case No. 339 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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