

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8074 of 2024**

Arising Out of PS. Case No.-207 Year-2023 Thana- WAJIRGANJ District- Gaya

Prinshu Kumar Son of Rajendra Prasad Yadav @ Rajeshwar Yadav R/o vill -  
Kanaudi, P.s. - Wazirganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP.

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

ORAL ORDER

2      21-02-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in  
connection with Wazirganj P.S. Case No. 207 of 2023 dated  
13.04.2023 for the offences punishable u/s 30(a), 30(b) and 45  
of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 40 litres of illicit  
country made liquor and other articles used in manufacturing of  
liquor were also recovered near the school.

4. Learned counsel for the petitioner has submitted  
that the petitioner is innocent and has falsely been implicated in  
this case. No incriminating material has been recovered from the  
conscious possession of the petitioner. The recovery was made



from an open place that is accessible to anyone. The petitioner has no concern with the alleged recovery. The petitioner has been made accused merely on suspicion in the present case. The petitioner has one criminal antecedent of similar nature 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.

5. 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.

6. 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, Gaya in  
connection with Wazirganj P.S. Case No. 207 of 2023, subject to  
conditions as laid down under section 438(2) of the Code of  
Criminal Procedure.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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