

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8200 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- GAMAHARIYA District- Madhepura

Munna Mandal S/o Late Bhokar Mandal @ Ramdev Mandal R/o Vill -
Babhani, Ward No. 07, P.S. - Gamharia, Dist. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

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

ORAL ORDER

2 21-02-2024 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.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Gamharia P.S. Case No. 184 of 2023, dated
03.10.2023 for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

4. As per prosecution case, total 155.400 litres of
country made saufi liquor has been recovered from the road side
beside the house of Kuldeep Kumar.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner has five criminal antecedents as stated in para 3 of the bail petition in which he is on bail. The name of the petitioner was disclosed by local choukidar. Nothing has been recovered from the conscious possession of the petitioner, hence 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.

6. Learned APP 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.

7. 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, Madhepura in connection with Gamharia P.S. Case No. 184 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:

- (i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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