

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15244 of 2024**

Arising Out of PS. Case No.-81 Year-2023 Thana- NADI District- Supaul

1. Jitendra Kumar @ Jibachh Yadav @ Jitendra Yadav son of Rajendra Yadav @ Surendra Yadav Ward No 4, Village- Panchgachiakoni Anchal and P.S - Marona, Manharpatti District- Supaul, Bihar
2. Ramudgar Kamat son of Zabbar Kamal W. No-9, Sarbjabela P.S- Marona, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ratanakar Jha  
For the Opposite Party/s : Mr.Ramesh Chandra

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

ORAL ORDER

2      11-03-2024                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Supaul Nadithana P.S. Case No. 81 of 2023, dated 14.08.2023 for the offences punishable under Sections 379, 411 of the Indian Penal Code read with section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, total 617.250 litres of foreign liquor was recovered from the truck and bags of the co-accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and has falsely been implicated



in this case. The petitioner no. 2 has got one criminal antecedent whereas petitioner no. 1 has got clean antecedent as stated in para 3 of the bail petition. The petitioners are the owner of the seized vehicle but at the time of alleged occurrence, the seized vehicle was not being driven by the petitioners. No incriminating article has been recovered from the conscious possession of the petitioners, 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners 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 nature of allegation against the petitioners, let the above named petitioners, in the event of their



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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Supaul in connection with Supaul Nadithana P.S. Case No. 81 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)**

Ranjeet/-

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