

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11598 of 2024**

Arising Out of PS. Case No.-695 Year-2020 Thana- MASHRAK District- Saran

Shri Niwas Kumar @ Ritik @ Srinivas Kumar @ Ritik Son of Satyanarayan  
Singh Village- Gopalbari, P.O. and P.S.- Mashrak, District- Saran at Chapra -  
841417

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jeetendra Narayan  
For the Opposite Party/s : Mr.Kanhiya Kishor

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

ORAL ORDER

2      28-02-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mashrak P.S. Case No. 695 of 2020, dated 21.12.2020 for the offences punishable under Sections 30, 30(a), 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 277.56 litres of foreign liquor was recovered from the cow-shed of Rakesh Singh.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner has



transpired on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. Similarly situated co-accused person has been granted anticipatory bail vide order dated 29.03.2023 passed in Cr. Misc. No. 3390 of 2023. 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 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 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, Saran at Chapra in connection with Mashrak P.S. Case No. 695 of 2020, 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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