

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13599 of 2024

Arising Out of PS. Case No.-208 Year-2021 Thana- RAJAPAKAR District- Vaishali

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Anuj Kumar @ Sugga S/O SUMERA SINGH VILLAGE- SAIDPUR
GANESH, PS.- BIDUPUR, DIST.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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

ORAL ORDER

2 05-03-2024 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 Rajapakar (Baranti) P.S. Case No. 208 of 2021 dated 09.08.2021 for the offences punishable u/s 414/34 of the IPC and u/s 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 4605.84 litres of illicit foreign liquor was recovered from one truck, one Bolero and four Pick-up vans.

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 petitioner is neither the owner nor the driver of the seized vehicles. The said vehicles were not being driven by the petitioner at the time of the alleged occurrence. The name of the petitioner has transpired merely on suspicion. The co-accused has been granted anticipatory bail vide order dated 06.09.2022 passed in Cr. Misc. No. 46920 of 2022 by a Co-ordinate Bench of this Court. The petitioner has no concern with the alleged recovery. The petitioner has **eight** other criminal antecedents of similar nature as stated in para 3 of the bail petition and he is on bail in five cases. 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, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 208 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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