

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14670 of 2024

Arising Out of PS. Case No.-333 Year-2022 Thana- Excise P.S. District- Nawada

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Lallu Kumar Yadav @Laloo Kumar SON OF KULESHWAR YADAV @
KULESHWAR PRASAD YADAV VILLAGE- PANDEY BIGHA, PS-
NARDIGANJ, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his/her arrest in a case in connection with Excise P.S. Case No. 333 of 2022 dated 11.09.2022 for the offence/s punishable u/ss 30(a) and 30(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1800 kgs. of Jawa Mahua, 45 litres of country made liquor and one burning Bhatti were recovered from the field of Pandey Bigha Village.

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 has no



concern either with the said recovery or the said field. The recovery was made from an open place that is accessible to anyone. Local people disclosed the name of the petitioner. The petitioner has no criminal antecedent 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 the record, let the above named petitioner, in the event of his/her 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, Nawada
in connection with Excise P.S. Case No. 333 of 2022, 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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