

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.7549 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- GORAUL District- Vaishali

Nitin Kumar @ Nitin Kumar Singh Son Of Sanjay Singh Resident Of Village-  
Maudah Chatur, Ps- Harilochanpur Sukki, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 9295 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- GORAUL District- Vaishali

Prince Kumar @ Mirchai Son of Surendra Singh @ Bhikhari Singh Resident  
of Village- Maudah Chatur, P.S.-Harilochanpur Sukki, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 12914 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- GORAUL District- Vaishali

Manikant Patel @ Manikant Kumar Patel S/O Shankar Singh R/O Village-  
Bakhari Sultan @ Chainpur, P.S- Goraul (kathara O.P), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 7549 of 2024)  
For the Petitioner/s : Mr. Anish Kumar, Adv.  
For the Opposite Party/s : Mr. Md. Matloob Rab, APP.  
(In CRIMINAL MISCELLANEOUS No. 9295 of 2024)  
For the Petitioner/s : Mr. Anish Kumar, Adv.  
For the Opposite Party/s : Mr. Md. Matloob Rab, APP.  
(In CRIMINAL MISCELLANEOUS No. 12914 of 2024)  
For the Petitioner/s : Mr. Anish Kumar, Adv.  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP.



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

ORAL ORDER

2      20-02-2024                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Goraul (Kathara) P.S. Case No. 483 of 2023 dated 14.11.2023 for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 774.21 litres of illicit foreign liquor was recovered from the four wheeler, the pick-up van and the *bathan* of the co-accused Manish @ Lalu.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners are neither the owner nor the driver of the said vehicle. The said *bathan* also does not belong to the petitioners. The said vehicle was not being driven by the petitioners at the time of the alleged occurrence. The recovery was made from an open place that is accessible to anyone. The petitioners have no concern with the alleged recovery. The petitioners have one criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against



the petitioners. 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 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 material available on record, 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) with two sureties of the like amount each to the satisfaction of the learned court concerned, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 483 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)**

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