

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17372 of 2024

Arising Out of PS. Case No.-493 Year-2023 Thana- VAISHALI District- Vaishali

Prince Singh @ Prince Kumar Son of Late Bachcha Singh Resident of
Village- Tega Dih, Police Station- Kartahan, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Adv

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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

ORAL ORDER

2 14-03-2024 Learned counsel for the petitioner seeks permission to
correct the numbering of the bail petition during the course of
the day.

2. Permission is accorded.

3. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

4. The Petitioner is apprehending his arrest in
connection with Vaishali P.S. Case No. 493 of 2023 dated
11.11.2023 of the offences punishable u/s 420, 467, 468, 471,
120(B) of the I.P.C. and the 30(a), 36(i), 41(1) of the Bihar
Prohibition and Excise Act 2018.

5. As per the prosecution case, total 804.645 litres of
illicit foreign liquor was recovered from the four different



vehicles.

6. 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 was disclosed by the co-accused *Dablu Ram*. The petitioner is not the owner of the said seized vehicle and the same was not being driven by him at the time of alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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.

7. 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.



8. 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, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 493 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. This application stands allowed.

(Chandra Prakash Singh, J)

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