

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15308 of 2024**

Arising Out of PS. Case No.-600 Year-2023 Thana- KESARIA District- East Champaran

Dinesh Sahani @ Dinesh Kumar Son of Sharma Sahani R/V - Derwa, Malahi  
Tola, P.s.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kundan Rathore

For the Opposite Party/s : Mr.Shyam Bihari Singh

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

ORAL ORDER

2      11-03-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 600 of 2023, dated 17.12.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, total 200 litres of country made liquor and 600 litres of sweet mahua ghol, bhatti and a gas cylinder were recovered near the river Kanhi, village- Derwa Malahi Tola.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent of similar



nature as stated in para 3 of the bail petition in which he is on bail. The name of the petitioner was disclosed by the local people. No incriminating article has been recovered from the conscious possession of the petitioner, hence 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 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 no incriminating article was recovered from the possession of 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, Motihari, East Champaran in connection with Kesariya P.S. Case No. 600 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)**

Ranjeet/-

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