

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15019 of 2024

Arising Out of PS. Case No.-183 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

-
1. AJAY YADAV S/O SHIB YADAV R/O VILLAGE- PANDEY BIGHA, P.S-
AKBARPUR, DISTT.- NAWADA.
 2. Mahendra Yadav S/O Lalkeshar Yadav R/O VILLAGE- PANDEY BIGHA,
P.S- AKBARPUR, DISTT.- NAWADA.
 3. Jaynath Yadav S/O Late Laljeet Yadav R/O VILLAGE- PANDEY BIGHA,
P.S- AKBARPUR, DISTT.- NAWADA.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.
For the Opposite Party/s : Mr.Shaheen Begum, APP

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

ORAL ORDER

2 07-03-2024 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 G.O. Case No. 183 of 2020 dated 04.09.2020
dated 04.09.2020 registered for the offences punishable u/ss 30(a)
(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 32 litres of illicit
country made liquor and 1800 litres of sweet jawa mahua
solution and some apparatus used for manufacturing liquor were
recovered on the bank of canal of Pandey Bigha.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioners has surfaced in this case only on the basis of secret information. The petitioners have no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. Nothing has been recovered from the conscious possession of the petitioners, 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.

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 the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada in connection with G.O. Case No. 183 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

