

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86366 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

Kumar Anuj @ Anuj Ray Son of Sumera Singh R/o vill - Saidpur Ganesh,
P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14813 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

Mulayam Kumar son of Ram Lal Kumar @ Ram Lal Ray Village- Lawapur
Ps- Mahnar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86366 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
: Ms.Vaishnavi Singh, Advocate
: Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 14813 of 2024)

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
: Ms.Vaishnavi Singh, Advocate
: Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend arrest in connection with
Mahnar P.S. case No. 280 of 2023 instituted for the offences



under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that 4876.965 litres of liquor was recovered from truck.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Petitioners are not named in the F.I.R. The names of the petitioners have transpired in this case only on the basis of confessional statement of the co-accused Manjay Kumar. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners 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. Petitioner in Cr. Misc. No. 86366 of 2023, namely, Kumar Anuj @ Anuj Ray has six criminal antecedents, whereas petitioner in Cr. Misc. No. 14813 of 2024,



namely Mulayam Kumar has two criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of arrest/surrender before learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahnar P.S. case No. 280 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Alok Verma/-

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