

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16709 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- JALALGARH District- Purnia

=====

Lalan Kumar Yadav @ Lalan Yadav Son of Amarnath Yadav @ Goshal Yadav
R/o village- Hafanea, P.S.- Jalalgarh, Dist.- Purnia

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Madhukar Anand

For the Opposite Party/s : Mr.Pronoti Singh

=====

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

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Jalalgarh P.S. Case No. 243 of 2023 dated 29.12.2023 for the offences punishable u/ss 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 51.635 litres of illicit foreign liquor was recovered behind the house of the petitioner.

4. 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 recovery was from an open place



which is accessible to anyone. 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.

5. 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.

6. 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,



Purnia in connection with Jalalgarh P.S. Case No. 243 of 2023,
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)

atul/-

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

