

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16019 of 2024

Arising Out of PS. Case No.-220 Year-2022 Thana- RAJEPUR District- East Champaran

1. Ram Nath Ram Son of Rajdev Ram Resident of Village - Ismaila, P.O. And P.S. - Rajepur, District - East Champaran
2. Vikash Ram @ Vikash Kumar Son of Rajdev Ram Resident of Village - Ismaila, P.O. And P.S. - Rajepur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The Petitioner are apprehending their arrest in connection with Rajepur P.S. Case No. 220 of 2022 dated 26.12.2022 of the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act 2018.

3. Learned counsel for the petitioners seeks permission to withdraw the present application for the petitioner no. 1, namely, *Ram Nath Ram*.

4. Permission is accorded.

5. Accordingly, this bail application for the petitioner no. 1, namely, *Ram Nath Ram* is dismissed as withdrawn.



6. As per the prosecution case, total 10 litres of illicit country made liquor was recovered from the *house of the co-accused*.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioners has two criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner has transpired in this case only on the basis of the suspicion. 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.

8. 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.



9. 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, East Champaran in connection with Rajepur P.S. Case No. 220 of 2022 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

10. This application stands allowed.

(Chandra Prakash Singh, J)

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