

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20288 of 2024

Arising Out of PS. Case No.-411 Year-2019 Thana- RUPASPUR District- Patna

1. Manju Devi @ Sanju Devi Wife of Pappu Bind Resident of Mohalla Teslal Verma Nagar, P.S.-Rupaspur, Distt.-Patna
2. Chandani Devi @ Urmila Devi @ Chandani Bind Wife of Munna Bind Resident of Mohalla- Abhimanyu Nagar, Rupaspur Nahar, P.S.-Rupaspur, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadwal Harsh, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-03-2024 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 Rupaspur P.S. Case No. 411 of 2019 dated 12.09.2019 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Sections 20, 22 and 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 525 litres of illicit foreign and country made liquor, 500 gm of ganja and Rs. 53,070/- in cash were recovered from the hut of the co-accused persons.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 has no criminal antecedent whereas the petitioner no. 2 have two criminal antecedents as stated in para 3 of the bail petition. The name of the petitioners was disclosed by local villagers. The petitioners are ladies and they have no concern with the alleged recovery rather the recovery has been made from the hut of the co-accused persons. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out. It is further submitted that the seized contraband is of small quantity. 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, Danapur (Patna) in connection with Rupaspur P.S. Case No. 411 of 2019, 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)

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