

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17841 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- SAKRA District- Muzaffarpur

Amarjeet Kumar
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 17843 of 2024
Arising Out of PS. Case No.-676 Year-2023 Thana- SAKRA District- Muzaffarpur
Sonu Chaurasiya @ Sonu Kumar
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 17841 of 2024)
For the Petitioner/s : Mr. Anish Kumar, Adv
For the Opposite Party/s : Mr. Madan Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 17843 of 2024)
For the Petitioner/s : Mr. Anish Kumar, Adv
For the Opposite Party/s : Mr. Madan Kumar, 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
connection with Sakra P.S. Case No. 676 of 2023 dated
18.12.2023 of the offences punishable u/s 30(a), 32(i)(ii), 36,
41(i) of the Bihar Prohibition and Excise Act 2018.

3. As per the prosecution case, total 990.720 of illicit



country liquor was recovered from the two bolero vehicles at *Bishunpur Murar Ghat*.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. The name of the petitioners has transpired in this case only on the basis of the confessional statement of apprehended persons. The petitioners are not the owner of the said vehicle and the same was not being driven by the petitioners at the time of the alleged recovery. No incriminating article 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 nature of allegation against the petitioners, let the above named petitioners, in the event of their 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, Muzaffarpur, in connection with Sakra P.S. Case No. 676 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)

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