

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19824 of 2024

Arising Out of PS. Case No.-641 Year-2023 Thana- WARISLIGANJ District- Nawada

1. Ritesh Kumar SON OF AWADHESH YADAV Resident of Village-
Mudlachak, P.S. -Warisaliganj, District- Nawada
2. Lala Chaudhary SON OF CHOTELAL CHAUDHARY Resident of Village-
Mudlachak, P.S. Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manmohan Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Warisaliganj P.S. Case No. 641 of 2023, dated 22.12.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise.

3. As per prosecution case, total 12 litres of illicit country made liquor was recovered behind Harijan hostel.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners has transpired in this case on the basis of secret information. The



petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel further submitted that recovery is made from the open place. No incriminating material has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioners. 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 APP 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) each with two sureties of



the like amount each to the satisfaction of the learned court concerned, Nawada in connection with Warisaliganj P.S. Case No. 641 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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