

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19991 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- RAGHOPUR District- Supaul

SANJEET CHAUDHARI @ SANDEEP KUMAR @ SANDEEP KUMAR
CHAUDHARY Son of Shri Satya Narayan Chaudhary Resident of Village-
Belhi, Ward No.-10, Shivpuri, P.S.-Kishunpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23115 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- RAGHOPUR District- Supaul

Sanjeev Kumar @ Sanjeev Yadav @ Sanjeev Kumar Yadav Son of Shri
Kameshwar Yadav Resident of Village- Koriyapatti, P.O. Devipur, Ward No.
14, P.S. Raghapur District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19991 of 2024)

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 23115 of 2024)

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Yogendra Kumar

**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 Raghapur P.S. Case No. 10 of 2024, dated
09.01.2024 for the offences punishable under Sections 30(a),
38(i), 41(i) of the Bihar Prohibition and Excise Act, 2018, later
on vide amendment dated 10.01.2024, Sections 38(i), 41(i) of
the Bihar Prohibition and Excise Act, 2018 were removed by the



police.

3. As per prosecution case, total 1984.230 litres of illicit foreign liquor was recovered from the Hywa Truck, Bolero and a Pick up Van.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner namely Sanjeet Chaudhari @ Sandeep Kumar @ Sandeep Kumar Chaudhari has no criminal antecedent whereas the petitioner namely Sanjeev Kumar @ Sanjeev Yadav @ Sanjeev Kumar Yadav has two criminal antecedents in which he is on bail stated in para 3 of the bail petition. The name of the petitioners was disclosed by the apprehended co-accused person namely Durga Choudhary. The petitioners are neither the owner nor the driver of the seized vehicles and the same was not being driven by the petitioners at the time of the alleged recovery. No incriminating material has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioner. 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, Supaul in connection with Raghapur P.S. Case No. 10 of 2024, 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)

Ranjeet/-

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