

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24606 of 2024

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

Manoj Kumar @ Manoj Yadav Son of Shri Sita Ram Yadav Resident
of Village- Koriyapatti, P.O.- Devipur, Ward No. 14, P.S.- Raghapur, Dist.-
Supaul

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his/her arrest in a
case in connection with Raghapur P.S. Case No. 10 of 2024
dated 09.01.2024 for the offence/s punishable u/s 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1984.230 litres of
illicit foreign liquor was recovered from the five different
vehicles.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from the
conscious possession of the petitioner. The petitioner is neither
the owner nor the driver of the said vehicles. The apprehended



co-accused person disclosed the name of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioner. Similarly situated co-accused persons have already been granted bail by this court vide order dated 28.03.2024 passed in Cr. Misc. No. 19991 of 2024 and Cr. Misc. No. 23115 of 2024. 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 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 petitioner 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 petitioner, in the event of his/her 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, 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)

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