

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23861 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- CHAUTHAM District- Khagaria

1. Sattan Yadav Son of Late Dhodo Yadav Resident of Village- Nauranga, Police Station- Chautham, District- Khagaria
2. Khushboo Devi Wife of Pintu Yadav Resident of Village- Nauranga, Police Station- Chautham, District- Khagaria
3. Bandhan Devi @ Bandana Devi Wife of Ram Pravesh Yadav Resident of Village- Nauranga, Police Station- Chautham, District- Khagaria
4. Ram Pravesh Yadav Son of Sattan Yadav Resident of Village- Nauranga, Police Station- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chautham P.S. Case No. 371 of 2023 dated 10.11.2023 for the offences punishable under Sections 323, 427, 341, 504, 506, 332, 337, 452/34, 353 of the Indian Penal Code and u/ss 37, 45 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the informant and the police party proceeded for special drive of raid of liquor, the informant saw that one person was abusing the passers-by and from his mouth, the smell like liquor was coming. On the basis



of suspicion, the informant and the police party tried to test the consumption of liquor by him but several persons assembled there. The accused persons attacked the informant and the police party and they got the aforesaid person released from police custody who was in drunken condition.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is the father and the petitioner no. 4 is the son of the petitioner no. 1. The petitioner nos. 2 and 3 are the daughters-in-law of the petitioner no. 1. There is no specific allegation against the petitioners rather the allegation is general and omnibus in nature. Mahal Chowkidar disclosed the name of the petitioners due to previous enmity. Nothing 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, Khagaria in connection with Chautham P.S. Case No. 371 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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