

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25960 of 2024

Arising Out of PS. Case No.-1313 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Raman Kumar Sah @ Raman Kumar Son of Mangani Sah Resident of
Village- Daroga Tola Ward No. 4, P.S.- Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for
grant of anticipatory bail in connection with Turkauliya
(Banjariya) P.S. Case No. 1313 of 2023, dated 31.12.2023, for
the offences punishable under Sections 30(a), 41(i) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, total 15 litres of illicit
English liquor was recovered from the house of co-accused
Prabhu Sah.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. The petitioner has one criminal antecedent in which he



is on bail as stated in para 3 of the bail petition. The name of the petitioner has transpired on the basis of secret information. The petitioner is not the owner of the said house and he has no concern with said liquor. Nothing has been recovered from the conscious possession of the petitioner, 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 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 nature of allegation against the petitioner, let the above named petitioner, in the event of his 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, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 1313 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)

Ranjeet/-

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