

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24552 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- VAISHALI District- Vaishali

Manjeet Kumar @ Bajrangi @ Bajrangiya, aged about 26 years, Male, Son of
Raj Ballam Rai, Resident of Village-Salempur, P.S.-Lalganj, District-
Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

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

ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vaishali P.S. Case No. 418 of 2023 dated 26.09.2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the I.P.C. and Sections 30(a), 36(i), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 3949.98 litres of illicit foreign liquor was recovered from the Truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the



conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. The said vehicle was not being driven by the petitioner at the time of the alleged occurrence. The petitioner has no concern with the alleged recovery. The name of the petitioner has transpired on the confessional statement of the co-accused Rakesh Kumar and Aarif Kalal. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. Learned counsel for the petitioner has submitted that no case under the Excise Act is made out against the petitioner. Learned counsel for the petitioner 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 F.I.R., no offence under the said provision is made out. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that other co-accused person has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 5621 of 2024 under order dated 16.02.2024.



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 record, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Hajipur, Vaishali, in connection with Vaishali P.S. Case No. 418 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

