

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25241 of 2024

Arising Out of PS. Case No.-373 Year-2022 Thana- CHAKIA District- East Champaran

Lalbabu Pandit SON OF BADRI PANDIT @ BADHRI PANDIT RESIDENT
OF VILLAGE- GANGA SIRSIYA, PS- CHAKIA, DIST- EAST
CHAPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chakia P.S. Case No. 373 of 2022 dated 30.08.2022 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 423.36 litres of illicit English liquor was recovered from the sugarcane field, near the rice mill.

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 transpired in this case on the basis of secret information. Learned counsel further submitted that the recovery is made from the open place. The petitioner is not the owner of the said field. 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, Bihar in connection with Chakia P.S. Case No. 373 of 2022, 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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