

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27483 of 2024**

Arising Out of PS. Case No.-159 Year-2023 Thana- LALGANJ District- Vaishali

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1. Sukhari Rai son of Late Sri Ray Village- Salimpur W.No-14, Ps- Lalganj Dist- Vaishali
  2. Arvind Singh son of Sri Deena Singh Village- Salimpur W.No-14, Ps- Lalganj Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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

ORAL ORDER

2      18-04-2024                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners have preferred this application for grant of anticipatory bail in connection with Lalganj P.S. Case No. 159 of 2023, dated 10.04.2023, for the offences punishable under Sections 30(a), 30(d) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 40 litres of illicit country made liquor, 1800 litres of raw jawa & a gas cylinder was recovered from the bush.

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. Local Chowkidar disclosed the name of the petitioners. The recovery is made from the open place which is accessible to anyone. 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, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 159 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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