

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30390 of 2024

Arising Out of PS. Case No.-987 Year-2021 Thana- ARARIA District- Araria

Turanti Rishi @ Turanchi Rishideo Son of Chinmu Rishideo @ Chinu
Paswan Resident of Village- Devaria, Paik Tola, Ward No. -07, P.S. and Dist.-
Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 23-04-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The Petitioner is apprehending his arrest in
connection with Araria P.S Case No. 987/2021 dated 23.11.2021
for the offences punishable u/s 30(a) of the Bihar Prohibition
and Excise Act.

4. As per the prosecution case, total 3 litres of illicit
country-made liquor was recovered from the house of the
petitioner.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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.

6. 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. It is further submitted that the recovery is from the house of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the materials available on record against the petitioner, I am of the view that no case for grant of



anticipatory bail is made out. The petition is disposed of and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below shall consider the prayer of the bail of the petitioner on the same day without being prejudice by this order.

(Chandra Prakash Singh, J)

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