

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30976 of 2024

Arising Out of PS. Case No.-600 Year-2023 Thana- Excise P.S. District- Madhepura

Manish Kumar, aged about 30 years, Male, Son Of Satya Narayan Yadav,
Resident Of Village- Aurahi, Ward No. 03, P.S- Ghailardh, District-
Madhepura (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Madhepura Excise P.S. Case No. 600 of 2023
dated 11.11.2023 for the offence punishable u/s 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 171.570 litres of
illicit foreign liquor was recovered near the house of the co-
accused, Brajesh Kumar.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from the
conscious possession of the petitioner. The petitioner has no



concern with the alleged recovery. The name of the petitioner has sprung up in the confessional statement of the co-accused, Brajesh Kumar. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioner. The co-accused has already been granted anticipatory bail by this Court vide order dated 21.02.2024 passed in Cr. Misc. No. 7937 of 2024. 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 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 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhepura in connection with Madhepura Excise P.S. Case No. 600 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)

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