

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30803 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- GWALPARA District- Madhepura

Shrawan Kumar, aged about 21 years, Male, S/O- Rajo Mahto R/O Village -
Uda, P.S – Udakishunganj, District – Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pawan Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, 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 connection with Gwalpara P.S Case No. 75 of 2023 dated 05.05.2023 for the offences punishable u/ss 147, 148, 149, 341, 342, 323, 324, 186, 353, 332, 333, 399 and 504 of the IPC and Section 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have caused hindrance during the discharge of official duties while police raided the house of the co-accused Manoj Mahto.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the petitioner have no concern with the alleged offence. The other accused persons have already been granted anticipatory bail by this Court vide order dated 06.11.2023 passed in Cr. Misc. No. 65391 of 2023. 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 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 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, Madhepura in connection with Gwalpara P.S Case No. 75 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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