

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42033 of 2024

Arising Out of PS. Case No.-465 Year-2020 Thana- ARARIA District- Araria

Navnit Kumar @ Navnit Gupta S/o Anil Gupta @ Anil Kumar R/o Village-
Hardi,P.S.- Supaul,District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

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

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 465 of 2020/ Special Case No. 424 of 2020 dated 16.06.2020 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 161.250 litres of illicit foreign liquor was recovered from the Xylo vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is not the owner of of the seized vehicle and he has no concern with the alleged



recovery. 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.

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,



Araria in connection with Araria P.S. Case No. 465 of 2020 /
Special Case No. 424 of 2020, subject to conditions as laid
down under section 438(2) of the Code of Criminal Procedure
with further condition :-

*(i) The petitioner is directed to remain
physically present before the learned
Court below on each and every date,
failing which on two consecutive dates
without reasonable cause, the bail bond of
the petitioner is liable to be cancelled.*

7. This application stands allowed.

(Chandra Prakash Singh, J)

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