

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43720 of 2024**

Arising Out of PS. Case No.-298 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. SONI SINGH @ GUDDU KUMAR SINGH @ GUDDU KR. SINGH SON OF TETAN SINGH VILLAGE- KOSKIPUR, P.S.- TIKAPATTI, DIST.- PURNEA
2. SHRAWAN SINGH SON OF TETAN SINGH VILLAGE- KOSKIPUR, P.S.- TIKAPATTI, DIST.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar, Adv.  
For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

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

ORAL ORDER

2      06-09-2024                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur (Rangra O.P.) P.S. Case No. 298 of 2023, dated 22.06.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, total 60 litres of illicit country made liquor was recovered from the boat.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and has falsely been implicated in this case. The petitioners have no criminal antecedent as



stated in para 3 of the bail petition. The name of the petitioners has transpired merely on village politics. The petitioners are not the owner of the said boat. Nothing has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioners. The co-accused person has already been granted anticipatory bail by this court vide order dated 28.02.2024 passed in Cr. Misc. No. 11677 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 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 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, Bhagalpur in connection with Gopalpur (Rangra O.P.) P.S. Case No. 298 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)**

Gautam/-

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