

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48730 of 2024**

Arising Out of PS. Case No.-208 Year-2019 Thana- DAWATH District- Rohtas

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ASHOK KUMAR SON OF BARUN RAM VILLAGE- BAMBA,  
AMBALA , P.S.- NAGAL, DISTT.- AMBALA (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

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

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

ORAL ORDER

2      13-09-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No. 208 of 2019, dated 22.12.2019, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 4112.64 litres of english liquor was recovered from a truck, bolero, Scorpio, Bolero Pick up Van and School premise (Bramda) out of which 1131.84 litres of english liquor was recovered from the petitioner's vehicle.

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



this case. The petitioner is the owner of the seized truck. No incriminating material has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The co-accused has been granted anticipatory bail by this Court vide order dated 16.02.2024 passed in Cr. Misc. No. 5831 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 APP 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, Rohtas at Sasaram in connection with Dawath P.S. Case No. 208 of 2019 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with the conditions:-

7. One of the bailors shall a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

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