

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51192 of 2024

Arising Out of PS. Case No.-476 Year-2023 Thana- DUMRA District- Sitamarhi

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1. Manju Devi W/o Surendra Mandal R/o Village- Bishanpur, P.S.- Dumra, District- Sitamarhi
 2. Sunil Mandal @ Sunil Kumar Mandal Son of Surendra Mandal R/o Village- Bishanpur, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 476 of 2023, dated 05.10.2023 for the offences punishable under Sections 413, 414, 420, 467, 468, 471, 120B of the Indian Penal Code and u/s 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 2282.490 litres of foreign liquor was recovered from the three different vehicles.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. The petitioners are not the owners of the seized vehicles. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. No incriminating material has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioners. The similarly situated co-accused has been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Misc. No. 2377 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 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, Sitamarhi in connection with Dumra P.S. Case No. 476 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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