

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53520 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- PATEPUR District- Vaishali

Ranjeet Sah Son of kailash Sah R/V- Sahpur Bujurg, P.S.- Patepur
(harlochanpur O.P.), Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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

ORAL ORDER

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

2. The petitioner is apprehending his arrest in a case in connection with Patepur (Harlochanpur) P.S. Case No. 50 of 2024 dated 14.02.2024 for the offence/s punishable u/ss 30(a), 38 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 14.275 litres of illicit English wine was recovered from the car.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concern with



the alleged recovery. The petitioner has no other criminal antecedents as stated in para 3 of the bail petition. The co-accused has been granted anticipatory bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 24284 of 2024. Learned counsel has submitted that no case is made out against the petitioner. 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 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 material available on the record, let the above named petitioner, in the event of his/her 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, Vaishali
at Hajipur in connection with Patepur (Harlochanpur) P.S. Case
No. 50 of 2024, 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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