

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63094 of 2024**

Arising Out of PS. Case No.-179 Year-2024 Thana- RIVILGANJ District- Saran

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Amarjeet Singh S/o Chandrahas Singh Resident of Village- Chacha ke Tola,  
Jai Prakash Nagar, P.S.- Bairiya, District- Ballia, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

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

ORAL ORDER

2      20-11-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Rivilganj P.S. Case No. 179 of 2024 dated 17.06.2024 registered for the offences punishable u/s 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 2316 litres of illicit foreign liquor was recovered from the two Mahindra tractors, one pick-up van and a motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner has sprung



up in the confessional statement of the co-accused, Shankar Yadav. The petitioner is not the owner of the said vehicles and the same was not being driven by the petitioner at the time of the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 16.07.2024 passed in Cr. Misc. No. 50964 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 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, Saran at Chapra in connection with Rivilganj P.S. Case No. 179 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)**

Gautam/-

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