

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61066 of 2024

Arising Out of PS. Case No.-244 Year-2022 Thana- TEGHRHA District- Begusarai

MD. RASHID S/o- MD. SAUKAT @ SAUKAT Village- Banhara Ps-
Bhagwanpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Teghra P.S. Case No. 244 of 2022, dated 26.08.2022, for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code and u/ss 30(a), 32(i)(ii), 41(i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 530.280 litres of illicit foreign liquor was recovered from the Pickup van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner has



transpired in this case on the basis of confessional statement of the apprehended co-accused person. The petitioner is not the owner of the seized vehicle. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. Similarly situated co-accused person has been granted anticipatory bail by this Court vide order dated 28.03.2024 passed in Cr. Misc. No. 19884 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, Begusarai in connection with Teghra P.S. Case No. 244 of 2022 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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