

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76998 of 2024

Arising Out of PS. Case No.-531 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Dablu Kumar @ Dablu Paswan @ Pawan Son of Mangar Paswan Resident of
Village- Jagarnathpur, P.S.- Kurhani, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv

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

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

ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sadar P.S. Case 531/24 dated 17.08.2024, corresponding to G.R. No. 728/24 registered for the offences punishable u/s 30(a), 32(ii), 36 and 41(1) of the Bihar Prohibition and Excise Act and Section 318(4) of the BNS.

3. As per the prosecution case, total 1542.85 litres of illicit foreign liquor was recovered from the tempo, one pickup van, one car, two motorcycles and godown.

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 said seized motorcycle. The petitioner has no concern with the alleged



recovery. Similar situated co-accused person has already been granted regular bail by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 66905 of 2024. The petitioner has clean criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. 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, Muzaffarpur in connection with Sadar P.S. Case 531/24 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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