

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81731 of 2023

Arising Out of PS. Case No.-769 Year-2022 Thana- GARDANIBAG District- Patna

SARABJIT KAUR GROVER D/o Kali Charan R/o Krishanpuri Tilak Nagar,
West Delhi 110018

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gardanibagh P.S. Case No. 769 of 2022 (Special Case No. 8872/ 22) dated 18.12.2022 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 349.500 litres of illicit foreign liquor was recovered from a car.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is a lady and she has no criminal antecedents as stated in para 3 of the bail petition. The name of the petitioner has surfaced in this case during the course of investigation. Learned



counsel has further submitted that the petitioner is the owner of the said vehicle and the same was not being driven by the petitioner at the time of alleged recovery. It is further submitted that the petitioner has no concern with the alleged recovery rather the recovery. No incriminating article has been recovered from the conscious possession of the petitioner, hence 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 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, Patna in connection with Gardanibagh P.S. Case No. 769 of 2022 (Special Case No. 8872/ 22), 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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