

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79119 of 2023**

Arising Out of PS. Case No.-425 Year-2023 Thana- TAJPUR District- Samastipur

PARVIN KUMAR @ PRAVIN KUMAR @ BALA SAHNI @ BALA  
SAHANI SON OF LAXMI SAHANI @ LAXMI SAHNI @ LAKSHMI  
NARAYAN SAHNI R/O VILLAGE- HARPUR BHINDI, P.S.- TAJPUR,  
DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate  
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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

ORAL ORDER

2      08-01-2024                      Learned counsel for the petitioner is permitted to  
  
remove the defect(s), as pointed out by the office, if any, within  
  
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in  
  
connection with Tajpur P.S. Case No. 425 of 2023 dated  
  
31.07.2023 for the offence/s punishable u/ss 30(a), 41(i)(ii) of  
  
the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 785.665 litres of  
  
foreign liquor was recovered from Bolero.

5. Learned counsel for the petitioner has submitted



that the petitioner has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. The petitioner has no concern with the alleged recovery. The name of the petitioner has transpired in the confessional statement of the co-accused Ashok Sahni. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court vide order dated 07.10.2023 passed in Cr. Misc. No. 60688 of 2023. The petitioner is also accused in one more criminal case as stated in para 3 of the bail petition. 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.

6. 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.

7. Considering the aforesaid facts and circumstances of the case as well as the material available on record, 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, Samastipur in connection with Tajpur P.S. Case No. 425 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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