

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3310 of 2024

Arising Out of PS. Case No.-180 Year-2022 Thana- GOPALPUR District- Gopalganj

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Ajeet Singh SON OF Ramayan Singh R/O VILLAGE- BAIRIA THAKURAI,
P.S.- UCHKAGAON, DIST.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-02-2024 Learned counsel for the petitioner is directed 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 connection with Gopalpur P.S. Case No. 180 of 2022, dated 23.08.2022, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 and under Sections 414, 467, 468, 420, 120(B) read with Section 34 of the Indian Penal Code, 1860.

4. As per the prosecution case, total 26.280 litres of foreign liquor has been recovered from the old Bolero.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The said vehicle does not belong to the petitioner. The petitioner has four criminal antecedents of similar nature as stated in para 3 of the bail petition in which he is on bail. The name of the petitioner has transpired on the basis of confessional statement of the apprehended co-accused persons. No incriminating material 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.

6. 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.

7. 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, Gopalganj in connection with Gopalpur P.S. Case No. 180 of 2022, 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)

Ranjeet/-

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