

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5300 of 2024

Arising Out of PS. Case No.-84 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Ranjeet Chaudhary S/O- Rambriksh Chaudhary R/O- Village- Pesh, P.S.-
Nardiganj, Dist.- Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

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

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with G.O. Case No. 84 of 2015 dated 16.10.2014 for
the offence/s punishable u/s 47(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per the prosecution case, total 60 litres of country
made liquor and 400 kg fermented java mahua were recovered
from the *pan* of the village.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. No incriminating material has been recovered from the
conscious possession of the petitioner. The recovery was made



from an open place that is accessible to anyone. The petitioner has no concern with the alleged recovery. The petitioner has been made accused on the basis of secret information. The petitioner has no criminal antecedent 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.

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 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, Nawada in connection with G.O. Case No. 84 of 2015, 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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