

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5307 of 2024**

Arising Out of PS. Case No.-202 Year-2023 Thana- GANGABRIDGE District- Vaishali

Anish Kumar @ Pintu Kumar Son Of Bindeshwar Singh @ Vindeshwar Ray  
Resident Of Village - Sultanpur, P.S. - Industrial Area, District - Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 8753 of 2024**

Arising Out of PS. Case No.-202 Year-2023 Thana- GANGABRIDGE District- Vaishali

Bishwajeet Kumar @ Funta S/O Ranjay Singh @ Ranjay Kumar Village-  
Sahdullahpur, Ps. Ganga Bridge, Dist. Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 5307 of 2024)

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

For the Opposite Party/s : Ms. Shaheen Begum, APP.

(In CRIMINAL MISCELLANEOUS No. 8753 of 2024)

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

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP.

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

ORAL ORDER

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

2. The petitioners are apprehending their arrest in a case in  
connection with Ganga Bridge P.S. Case No. 202 of 2023 dated  
15.09.2023 for the offences punishable u/s 30(a), 36, 41(i) of the  
Bihar Prohibition and Excise Act.



3. As per the prosecution case, 7444.800 litres of foreign liquor was recovered a truck and 1845 liters of foreign liquor from two Pick-UP vans was recovered.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are neither the owner nor the driver of the said vehicle. The petitioners have no concern with the alleged recovery. The petitioners have been made accused in the instant case because of their criminal antecedents and on the basis of secret information. The petitioner namely Anish Kumar @ Pintu Kumar has three criminal antecedents whereas the petitioner namely Bishwajeet Kumar @ Funta has two criminal antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioners. Learned Counsel has relied on the judgment of Full Bench of the 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 petitioners 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 petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 202 of 2023, 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)**

annpurna/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

