

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.989 of 2024

Arising Out of PS. Case No.-380 Year-2021 Thana- ATRI District- Gaya

Ranjeet Yadav @ Ranjeet Prasad son of Ram Chandra Prasad @ Ramchandra
Yadav @ Chandra Yadav Village- Tahbal Bigha Ps- Atri Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheikh Arkan Ahmad, Adv.

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

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

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Atri P.S. Case No. 380 of 2021 dated 17.11.2021 for the offences punishable u/ss 272 and 273 of the Indian Penal Code and u/ss 30(a)(d) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1400 litres of soaked mahua liquor, apparatus and articles for manufacturing liquor were recovered from the bank of river. It is further alleged that 5 litres of country made liquor, apparatus and 100 litres of soaked mahua were recovered from the bricks and karkat house of the co-accused, Satendra Chaudhary.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner was disclosed by local Chowkidar. It is further submitted that the petitioner has no concern with the alleged recovery. Nothing 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, Gaya in connection with Atri P.S. Case No. 380 of 2021, 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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