

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.583 of 2024

Arising Out of PS. Case No.-203 Year-2020 Thana- Excise P.S. District- East Champaran

1. Ranjeet Sahni s/o- Prabhu Sahni Village- Chailahan, Police Station Banjariya, District- East Champaran
2. Mahendra Sahni son of Bantu Sahni Village- Chailahan, Police Station Banjariya, District- East Champaran
3. Harihar Mukhiya son of Shri Bhagwan Mukhiya Village- Chailahan, Police Station Banjariya, District- East Champaran
4. Vinod Sahni son of Late Jhinga Sahni Village- Chailahan, Police Station Banjariya, District- East Champaran
5. Lalbabu Mukhiya son of Sri Bhagwan Mukhiya Village- Chailahan, Police Station Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-01-2024 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 Excise P.S. Case No. 203/2020 dated 16.05.2020 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 34 litres of illicit liquor was recovered from the motorcycle and 7000 litres of semi prepared solution (raw material) was also recovered from



the place of occurrence.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 4 has no criminal antecedent, the petitioner No. 2 and 3 are accused in one more criminal case, the petitioner No. 1 is accused in three other criminal cases and the petitioner No. 5 is accused in five more criminal cases as stated in para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioners hence, no case is made out against the petitioners. 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 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 nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on 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 learned court concerned, East Champaran at Motihari in connection with Excise P.S. Case No. 203/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition.

(i). The petitioner No. 5 is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner No. 5 are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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