

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1011 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- SOHSARAI District- Nalanda

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Randhir Kumar, S/o Punni Paswan @Punichand Paswan Village- Lohgani,
Police Station -Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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**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 Shosarai P.S. Case No. 291 of 2023 dated 10.10.2023 for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 307, 353, 332, 333 and 504 and u/s 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 8-10 persons were consuming liquor and on seeing the police force, they started to flee away but one of the co-accused Karan Kumar was apprehended by the police force, in the meantime, the accused persons started to scuffle with the police force and assaulted them and due to which the co-accused, Karan Kumar fled



away . It is further alleged that all the accused persons including the petitioner caused hindrance in discharging official duties of the police personnel.

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. It is further submitted that the petitioner has no concern with the alleged offence. 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. There is general and omnibus allegation of causing hindrance against the petitioner.

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 allegation being general and omnibus 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, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 291 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)

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