

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2377 of 2024

Arising Out of PS. Case No.-476 Year-2023 Thana- DUMRA District- Sitamarhi

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UMESH RAUT @ UMESH KUMAR SON OF RUPLAL RAUT R/O
VILLAGE- MUHCHATTI, P.S.- DUMRA, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Kanhiya Kishor

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

ORAL ORDER

3 28-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 476 of 2023, dated 05.10.2023 for the offences punishable under Sections 413, 414, 420, 467, 468, 471, 120B of the Indian Penal Code and u/s 30(a), 32(ii) (iii), 36, 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 2282.490 litres of foreign liquor was recovered from the three different vehicles.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has five criminal antecedents of similar



nature, in all cases he is on bail as stated in para 3 of the bail petition. The name of the petitioner has transpired on the basis of confessional statement of the apprehended co-accused namely Shashi Bhushan Kumar. No incriminating material 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 APP 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, Sitamarhi in connection with Dumra P.S. Case No. 476 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:

- (i) The petitioner 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, his bail bonds are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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