

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6903 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- SAKRA District- Muzaffarpur

Ranjit Rai @ Ranjit Ray S/o- Junarbi Ray, R/o Village- Sabalpur, PS- Sonpur,
Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Sakra P.S. Case No. 254 of 2024, dated 06.05.2024 for the offences punishable under Section 30(a), 32(1)(2), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1080 litres of illicit foreign liquor was recovered from the truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR and his name transpired during the course of investigation. Although petitioner is the owner of the truck in question, but he was



neither arrested from the spot nor any incriminating material has been recovered from his conscious possession. He has no concern with the alleged recovery. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The similarly situated co-accused has been granted bail *vide* order dated 12.07.2024 passed in Cr. Misc. No. 48000 of 2024. 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 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 material available on record, let the petitioner, above-named, 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 only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Muzaffarpur, in connection with **Sakra P.S. Case No. 254 of 2024**, 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)

Shahnawaz/-

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