

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74928 of 2024

Arising Out of PS. Case No.-385 Year-2024 Thana- GARKHA District- Saran

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1. Bipin Rai @ Bipin Kumar Rai @ Bipin Kumar Ray S/o- Vijay Ray Resident of Village-Sadhpur PS- Garkha District- Saran
 2. Amarjeet Kumar Rai @ Amarjeet Kumar Son of Ramu Ray Resident of Village-Rasidpur PS- Garkha District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2025 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 Garkha P.S. Case No. 385 of 2024 dated 25.06.2024 registered for the offences punishable u/ss 30(a), 36, 38 and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 783.90 litres of illicit foreign liquor was recovered from the pick-up van.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The



apprehended co-accused persons disclosed the name of the petitioners. The petitioners are neither the owner nor the driver of the seized vehicle. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that 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 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 material available on record, let the above named petitioners, in the event of their 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) each with two sureties of the like
amount each to the satisfaction of the learned court concerned,
Saran at Chapra in connection with Garkha P.S. Case No. 385 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)

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