

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74924 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- TISIAUTA District- Vaishali

Vinay Ray @ Vinay Kumar Son of Mahtab Ray Resident of Village-
Chakhaje Police Station -Tisiauta, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Nityanand

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

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his/her arrest in a
case in connection with Tisiauta P.S. Case No. 97 of 2024 dated
13.08.2024 for the offence/s punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 333 litres of illicit
foreign liquor was recovered from the Truck and one
motorcycle was also recovered.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from the
conscious possession of the petitioner. The petitioner is not the
owner of the said vehicles. The petitioner has no concern with



the alleged recovery. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 11.12.2024 passed in Cr. Misc. No. 72262/2024. 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 the record, let the above named petitioner, in the event of his/her 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, Vaishali
at Hajipur in connection with Tisiauta P.S. Case No. 97 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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