

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87841 of 2024

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Ramanand Kumar @ Ramanand Rai @ Ramanand Kumar Yadav @ Rahul
Son of Late Lalan Ray Resident of Village -amritpur, P.S. -vaishali, District
-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

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

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Khodawandpur P.S Case No. 260 of 2022 dated 05.09.2022 for the offences punishable under Sections 32(1)(2), 36, 41(1) 420, 467, 468, 471, 120(B) of I.P.C. and 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 5392.440 of illicit foreign liquor was recovered from the *Truck, Xylo Car and Pick-up van*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The apprehended person, namely, Shubham Kumar @



Munna disclosed the name of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. The petitioner is no concern with the alleged recovery. The petitioner has three criminal antecedent as stated in para 3 of the bail petition. The other co-accused persons has already been granted bail by this court *vide* order dated 25.05.2023 and 26.09.2024, passed in Cr. Misc. No. 35324 of 2023 and Cr. Misc. No. 71155 of 2024 respectively. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out. 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 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 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, Begusarai, in connection with Khodawandpur P.S. Case No. 260 of 2022, 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, the bail bond of the petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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