

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26953 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -SHANKARPUR District- MADHEPURA

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1. Bal Krishna Yadav @ Dhablu Yadav S/o Jagdish Yadav, resident of village- Bhaluaraha P.S.- Shankarpur, District- Madhepura.
 2. Vijay Kumar Roy @ Pappu Roy S/o Awadh Roy, resident of village- Parsa, P.S.- Shankarpur, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-07-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, petitioners are seeking anticipatory bail in connection with Shankarpur P.S. Case No. 46 of 2016 registered for offences under sections 171 (F) of the Indian Penal Code and section 47(A) of the New Excise Amendment Act, 2016.

From the first information report it appears that the Police received the information that the present petitioner, who was a candidate of Mukhiya, was got the liquor, carried for the purposes of attracting the voter. A Boloro Jeep was intercepted, which was going from Parsa to Morkahi. The Police intercepted it and two motor riders were also going along with the Boloro, fled

away on seeing the Police personnel. The search was made from there 24 plastic bags containing 400 ml. country made liquor in each bag, were recovered and it was disclosed that it was being carried at the instance of the present petitioner, who is a candidate of Mukhiya.

The counsel for the petitioner submits that except the confessional statement there is no material connecting the petitioner for that incident, as he was not there in the vehicle or the motor cycle, nor the said bolero belongs to the petitioner, in such circumstances, the petitioner having innocent person has wrongly been framed in the case.

Looking to the New Amendment made in the Bihar Excise Act, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition is rejected.

(Shivaji Pandey, J)

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