

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8774 of 2017

Arising Out of PS.Case No. -321 Year- 2016 Thana -KADWA District- KATIHAR

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Mithilesh Kumar Roy, owner of the Scorpio Vehicle, Registration no. BR11X3200, son of Sitaram Roy, resident of Mohalla Dehariya Mail Basa, P.S. Katihar, Distt. Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-03-2017 This is an application for grant of anticipatory bail for offences punishable under Sections 272 and 273 of the Indian Penal Code and 30(a) and 37(a) of the Bihar Prohibition and Excise Act, 2016.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that this case is not attracted under the Excise Act against the petitioner as he has not been arrested on the spot. However, from perusal of the F.I.R. it appears that on seeing the police party the accused persons tried to flee away from the place of occurrence leaving the Bolero vehicle and huge quantity of liquor has been recovered from the Bolero vehicle. Petitioner has been made accused as he is owner of the vehicle.

Heard learned A.P.P. also. He has opposed the



prayer for anticipatory bail.

As per provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this Court has no jurisdiction under Section 438 Cr. P.C is barred and this application is not maintainable.

However, petitioner is directed to surrender in the court below, i.e., learned Chief Judicial Magistrate, Katihar, in connection with Kadwa P. S. Case no. 321 of 2016 and make prayer for regular bail which will be considered on its own merit without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Vinod Kumar Sinha, J)

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