

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17950 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

=====

Ram Ishwar Rai Son of Lagan Rai, Resident of Village- Mile Pakri, Police
Station- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 27-04-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection
with Bidupur P.S. Case No. 16 of 2017, registered under Sections
30(A) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner is of recovery of 35
litres of country made liquor from the house of the petitioner.

It has been submitted on behalf of the petitioner that he
was not present in the house and the house is in joint possession of
the petitioner and other family member.

Heard learned Additional P.P. also. Learned Additional
P.P. has also opposed the prayer for anticipatory bail

Having heard both sides and in view of the fact that in
view of Section 32 of the Bihar Prohibition and Excise Act, 2016,



there shall be presumption against the owner and other members of the house.

Hence, the anticipatory bail is not maintainable, in view of Section 76(2) of Bihar Prohibition and Excise Act, 2016. Accordingly, the prayer for anticipatory bail is rejected.

However, the petitioner may surrender in the court below and make prayer for regular bail on the basis of the submissions made before this Court, which will be considered and disposed of by the court below on merits of the case without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

BTiwary/-

U		T	
---	--	---	--

