

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No 19418 of 2017

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

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Mithilesh Kumar Roy, son of Sitaram Roy, Resident of Mohalla- Daheria,
P.S.- Mail Basar Katihar (Town), District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Anang Mohan Sinha, Advocate

For the S t a t e : Mr Harendra Prasad, APP

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CORAM: HONOURABLE MR JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 26-04-2017

Heard the parties.

Petitioner has earlier moved this Court and this Court
vide order dated 01.03.2017 passed in Cr Misc No 8774 of 2017
has rejected the prayer for anticipatory bail of the petitioner on the
ground of maintainability.

It has been submitted on behalf of the petitioner that
the aforesaid Section has no application in the present case and he
has further submitted that some other accused persons have been
granted anticipatory bail by another Bench of this Court.

I have already rejected the prayer for anticipatory bail
of the petitioner after hearing the parties.

Petitioner is owner of vehicle from which liquor was
recovered and Section 132 (2) of Bihar Prohibition and Excise
Act, 2016 provides that there shall be presumption against owner



and occupier of the vehicle also and Section 76 (2) of the Act bars the application of Section 438, Criminal Procedure Code.

Hence, this application is dismissed.

(Vinod Kumar Sinha, J)

M.E.H./-

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