

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13341 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Rajiv Kumar Singh

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017

Heard.

The petitioner apprehends his arrest in connection with Complaint Case No.30 of 2017 pending in the Court of Judicial Magistrate, Ist Class, Muzaffarpur registered for an offence under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

The informant ASI Excise Department conducted raid and seized 1296 bottles of foreign liquor from the room of this petitioner and 528 bottles of foreign liquor from the room of co-accused Nandu Singh. Both the rooms situate adjacent to a government Primary School. In course of search, no one from the side of accused was present and so the copy of seizure was prepared and pasted on the wall of the room.

The learned counsel for the petitioner submits that



nothing was recovered from the conscious possession of the petitioner and there is also no antecedent of the petitioner, so he deserves anticipatory bail.

The learned APP, on the other hand, opposed the submission, by submitting that in view of provision of Section 76(2) of the Bihar Provision of Excise Act, 2016, the present anticipatory bail petition is not maintainable.

In the facts and circumstances of the case, the prayer of the anticipatory bail of the petitioner is rejected.

(Sanjay Kumar, J)

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