

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13120 of 2017**

Arising Out of PS.Case No. -314 Year- 2016 Thana -GOVINDGANJ District-  
EASTCHAMPARAN(MOTIHARI)

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1. Mahesh Yadav, S/o Badai Yadav.  
2. Ramashish Yadav, S/o Gauri Yadav.  
3. Munna Yadav, S/o Gagandeo Yadav, All R/o Vill Chatiya Diyar, P.S.  
Malahi, Dist.- E. Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Sri Binod Kumar 2, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      12-04-2017      Heard.

Learned counsel for the petitioners seeks permission to withdraw the bail application so far as petitioner no. 1 is concerned as he has been arrested.

The application is dismissed as such.

The petitioner no. 2 apprehends his arrest in connection with Govindganj (Malahi) P.S. Case No. 314 of 2016 pending in the Court of CJM, Motihari registered for an offence under Sections 272,273,34 of the IPC and 30(a),38 of the Bihar Prohibition and Excise Act.

The informant in his written report has alleged that on the date of occurrence, on secret information, he along with other



police officials, raided the place of occurrence and recovered 18 bottle each containing 200 ML country made wine. The villagers have disclosed the name of the petitioner.

Learned counsel for the petitioner submits he has been falsely implicated in the present case and nothing has been recovered from his conscious possession.

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. Besides that the police have seized country made wine from their house in presence of independent witnesses.

In the facts and circumstances of the case, the prayer of the petitioner is rejected. The petitioners if surrenders for bail, the court below shall consider his prayer on its merit without being prejudiced by this order.

**(Sanjay Kumar, J)**

Prakash/-

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