

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17230 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD

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Gorakh Prasad @ Pradip Prasad Son of Ramchandra Prasad Resident of
Village - Itwan, P.S. - Haspura, District : Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-06-2017 Heard the learned counsel for the petitioner and the

learned Additional P.P. for the State.

The petitioner seeks anticipatory bail in connection
with Daudnagar P.S. Case No. 33 of 2017, registered for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner is regarding
recovery of 163 litres of country made liquor upon a raid being
conducted in rooms on upper floor of Business establishment M/S
Bharat Electronis. Co-accused Rishi Kumar was apprehended and
upon interrogation, he disclosed that the liquor was stored by his
maternal uncle- the present petitioner.

It is submitted by the learned counsel for the petitioner
that no recovery has been made from possession of the petitioner,



the petitioner has clean antecedent and in such view of the matter, he may be granted the privilege of anticipatory bail.

Upon perusal of the various provisions of the Bihar Excise (Amendment) Act, 2016, it appears that there is a bar for granting anticipatory bail under Section 76(ii) of the said Act.

Having regard to the facts and circumstances of the case, though, I am not inclined to grant anticipatory bail to the petitioner, but I deem it fit and proper to dispose of the present anticipatory bail application with a direction that if the petitioner surrenders before the concerned trial court within a period of four weeks from today and moves for regular bail, with an advance notice to the Special Public Prosecutor, then the same shall be allowed by the learned trial court on the same day on such condition as may be considered appropriate by the learned trial court..

Accordingly, the instant application is disposed of.

(Mohit Kumar Shah, J)

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