

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15331 of 2017

Arising Out of PS.Case No. -167 Year- 2016 Thana -EKMA District- SARAN

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Rakesh Kr. Singh, Son of Sri Bhagwan Singh, Resident of Village- Jalalpur,
P.S.- Daraunda, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 15-06-2017 Heard learned counsels for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Ekma P. S. Case No. 167 of 2016 instituted under Section 120B/34 of the Indian Penal Code and Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation, in brief, is that police found a container parked by the side of the Road and recovered 693 litres of illicit foreign liquor kept in various cartoons and apprehended one Vivek Ranjan @ Dablu Singh at the spot, while rest succeeded in fleeing away and he disclosed names of persons escaped away from the spot including the petitioner.

Learned counsel for the petitioner submits that though the anticipatory bail application is not maintainable under



the provisions of new amended Act, but *no prima facie* case is out against this petitioner, save and except disclosure of his name by a co-accused and there is no material against him. It is submitted that the petitioner is a brick kiln owner and co-accused Vivek Rajnan was working as a labourer in his brick kiln and due to some dispute, he has falsely implicated the petitioner in this case.

It appears that, as submitted, investigation is still continuing and there is recovery of a huge quantity of illicit foreign liquor and petitioner's name was disclosed by a co-accused, apprehended at the spot moreover in view of provisions of Section 76(2) of the Bihar Excise (Amendment) Act, 2016, anticipatory bail application is not maintainable, so, this application is dismissed as not maintainable.

However, if the petitioner surrenders before the court below and seeks regular bail, the same shall be considered on its own merits without being prejudiced by this order.

(Arun Kumar, J)

Sujit/-

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