

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23624 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Prabhu Prasad, S/o Dinanath Prasad.
 2. Ramlagan Yadav @ Lagan Yadav, S/o Late Narayan Yadav.
Both resident of Village Mangalpur Gudariya, P.S. Nautan, Dist. West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their
arrest in connection with Nautan P.S. Case No. 44 of 2017
registered for offences under sections 35(C) of the Bihar Excise
Act, 2016.

In the First Information Report, it has been alleged
that huge quantity of liquor were recovered from the shop.

Learned counsel for the petitioners submits that the
material which has been recovered was put to forensic
examination and it was found that the percentage of ethyl alcohol
content in the mixture was 0.2% and, as such, it cannot be said to
be liquor as provided under the Bihar Prohibition and Excise Act,



2016. Learned counsel for the petitioners further submits that the petitioners are the supplier and seller respectively, only they are distributing the material supplied by the Company and, that too, after obtaining licence from the State Government.

As it appears that the recovered material was liquor, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners, namely, 1. Prabhu Prasad and 2. Ramlagan Yadav @ Lagan Yadav is rejected.

If the petitioners surrender before the court below within a period of four weeks from today, the court below is directed to consider the prayer for bail of the petitioners and will pass order in accordance with law on the same day itself without being prejudiced by the present order of this Court.

(Shivaji Pandey, J)

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