

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5102 of 2017

Arising Out of PS.Case No. -85 Year- 2016 Thana -ASAWAN District- SIWAN

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1. Oshihar Yadav, S/o Sampat Yadav,
2. Rajesh Yadav @ Kranti Yadav, Son of Umesh Yadav,
Both 1 & 2 are R/o Village- Dahabari- Sultanpur, P.S.- Andar, Dist- Siwan.
..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Dr. Kr. Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 23-02-2017 Heard learned counsels for the petitioners and the

State.

The petitioners apprehend their arrest in connection
with Ashaown P. S. Case No. 85 of 2016 instituted under Sections
272, 273 and 308 of the Indian Penal Code and Section 47 Bihar
Excise (Amendment) Act, 2016.

Allegation in brief is that both these petitioners were
transporting illegal country made liquor keeping in a sack and they
were going by a motorcycle and seeing the police, they threw the
sack and escaped away and both were identified by the police as
they were accused in similar nature of case filed earlier.

Submission is that nothing was recovered from the
possession of the petitioners.

It appears that they are accused in five criminal cases



including two cases of Excise Act earlier lodged against them and in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, anticipatory bail is not maintainable.

Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of the petitioners is rejected and the petitioners are directed to surrender before the court below within four weeks from today and seek regular bail.

(Arun Kumar, J)

Sujit/-

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