

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13150 of 2017

Arising Out of PS.Case No. -183 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Chhotu Kumar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017

Heard.

The petitioner apprehends his arrest in connection with Pipra P.S.Case No.183 of 2016 pending in the Court of CJM, East Champaran, Motihari registered for an offence under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant in his written report has alleged that in course of patrolling duty he got an information regarding illegal trade of country made wine. He conducted raid and seized one gallon containing five litres mahua wine and one bottle containing one litre mahua wine from the house of this petitioner. The seizure was made in presence of witnesses who also put their signature on the seizure list.

The learned counsel for the petitioner submits that



nothing was recovered from the conscious possession of the petitioner and there is also no antecedent of the petitioner, so he deserves anticipatory bail.

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.

In the facts and circumstances of the case, the prayer of the anticipatory bail of the petitioner is rejected.

(Sanjay Kumar, J)

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