

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20792 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -GOVINDPUR District- NAWADA

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1. Jagdish Ravidas, son of Seva Ravidas, R/o Village- Jam Khokhro, P.S.-
Deori, District- Giridih Jharkhand Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Man Mohan Kumar, Adv.

For the Opposite Party : Mr. Ram Sevak Choudhary, APP 53

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-07-2017 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail for
offence under Section 30(A) of the Bihar Prohibition and Excise
Act, 2016.

The petitioner is owner of the vehicle from which
liquor was allegedly recovered.

Submission of the learned counsel for the petitioner
is that the recovery was not in presence of the petitioner nor the
petitioner had knowledge about what was being carried by the
rider on the said vehicle.

Since, presumption of guilt is there, against the
petitioner, under sub section (2) of Section 32 of the Bihar
Prohibition and Excise Act, 2016, as such this anticipatory bail
application is not maintainable in view of the specific bar under
Section 76 of the Act.

Hence, prayer of the anticipatory bail is **refused**.

However, prayer for regular bail shall be considered
without being prejudiced by this order.

(Birendra Kumar, J)

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