

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13196 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -SISWAN District- SIWAN

- =====
1. Shiv Nath Bind @ Shiv Nath Bin, S/o Muneshwar Bin,
 2. Mantu Bind @ Mantu Bin, S/o Rajendra Bin, Both are R/o Village-
Sisawan, P.S.- Sisawan, District- Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017 Heard.

The petitioners apprehend their arrest in connection with Siswan P.S.Case No.07 of 2017 pending in the Court of CJM, Siwan registered for an offence under Sections 272, 273 and 308 of the IPC and Section 30(a)/39(1) of the Bihar Excise Prohibition Act, 2016.

The case has been registered on the basis of self statement of SHO of Siswan police station who on getting information regarding illegal trade of wine, conducted raid and apprehended one of the accused Raju Bind, who disclosed the name of these petitioners. The raiding party seized 50 cartoons containing 12 bottles each of foreign liquor. The seizure was made in presence of local witnesses.



The learned counsel for the petitioner submits that nothing was recovered from the conscious possession of the petitioner. He further submits that Raju Bind is a sales man in the shop of Mahesh Prasad Soni who is at an inimical term with the petitioner Mantu Bind as he had filed a Complaint Case no.2539 of 2011 against him and five others for the offence under Sections 364 and 302 of the IPC. He further submits that the petitioner has got no criminal antecedent and, so, they deserve 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 petitioners is rejected.

(Sanjay Kumar, J)

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