

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21550 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -RAJPUR District- BUXAR

=====

1. Din Dayal Singh, son of Talkeshwar Singh alias Tarkeshwar Singh,
resident of Village- Kund, P.S.- Dinara, District- Rohtas

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Rajani Kant Singh, Adv.

For the Opposite Party : Mr. Rajkishore Singh, APP 172

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-07-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Excise (Amendment) Act, 2016.

From a pick-up van, foreign liquor was recovered. The persons traveling on the said vehicle were taken into custody. The petitioner was not there nor the petitioner is named in the first information report.

During investigation, a co-accused confessed before the police that same was of the petitioner. The petitioner is owner of the pick-up van from which liquor was allegedly recovered.

Submission of the learned counsel for the petitioner is that the petitioner was not present at the time of recovery nor the petitioner had knowledge that what driver was doing or carrying on the vehicle.

Considering the presumption under sub section (2) of Section 32 of the Bihar Prohibition and Excise Act, 2016, the present anticipatory bail application is not maintainable in view of



the specific bar under sub Section 76 of the Act.

Hence, this application is **dismissed** as not maintainable.

(Birendra Kumar, J)

SA/-

U	√	T	√
---	---	---	---

