

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8335 of 2017

Arising Out of PS.Case No. -376 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Chhotu Kumar @ Kunal Kumar @ Kunal, Son of Virender Singha,
Resident of Village- Chakdad, P.S.- Teghara, District- Begusarai
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party : Mr. Ajit Kumar, APP 73

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 09-03-2017 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 Excise
Amendment Act, 2016.

When the police reached at the referred place it
found that there were two bottles of Royal Stag wine, one
bottle was half empty and five glasses were full of wine.
Besides the aforesaid, cigarettes were also there. Two
persons were apprehended at the spot and disclosed the
name of the petitioner and two others to have fled from
there.

Submission of the petitioner is that there is no
accusation of possession, sale, purchase or consumption
of wine by the petitioner. Hence, the bar of
maintainability of anticipatory bail application under
Section 76 of the Bihar Prohibition and Excise Act, 2016,



is not attracted as none of the conditions mentioned in Section 30 of the Bihar Excise Amendment Act, 2016, is attracted in the facts and circumstances of this case.

I find substance in the submission of the learned counsel for the petitioner. In absence of such accusation the bar is not attracted.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Baraunipsc 376 of 2016** to the satisfaction of the **Chief Judicial Magistrate, Begusarai**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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