

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32625 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -MAKER District- SARAN

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1. Babloo Singh @ Babablu Singh, S/o Shivrath Singh, resident of Village-
Pachhim Thahra, P.S.- Maker, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with
Maker P.S. Case No. 82 of 2017, registered for the offences
punishable under Sections 30 and 30(A) of the Bihar Prohibition
and Excise Act, 2016.

According to the informant who is the S.H.O., while
patrolling in the evening and checking vehicles, they got secret
information that the petitioner was selling illegal English wine.
The police is said to have conduct a search and seized the said
wine from a place near to the shop and house of the petitioner.
Seeing the police the accused persons fled away.

Learned counsel for the petitioner submits that since no
liquor has been recovered either from the person of the petitioner



or from the house or shop of the petitioner, the FIR lodged under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, is incorrect and the provisions of the said Act are not attracted.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to grant anticipatory bail to the petitioner specially since Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 is not attracted in the present case.

Accordingly, let the abovenamed petitioner, in the even of his arrest or surrender in the Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Maker P.S. Case No. 82 of 2017 subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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