

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17487 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
AURANGABAD pending in the Court of CJM, Aurangabad

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1. Dharmjit Singh @ Dharamjeet Singh S/o Satyendra Singh Resident of
Village- Chura, P.S. Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Accusation is that the petitioner was carrying a bag
containing liquor, on a motorcycle. Seeing the police party he
threw the bag as well as motorcycle and fled away.

Submission of the informant is that in fact the
motorcycle was parked there and the police arbitrarily took the
same without instituting a case. Thereafter, the petitioner filed a
petition before the learned Chief Judicial Magistrate for release of
the vehicle on 23.02.2017 and on the same day prosecution report



was sent by the authorities though the seizure was made on 10.02.2017.

Considering the fact that prima facie accusation of commission of offence under the provisions of Bihar Prohibition and Excise Act, 2016, is made out against the petitioner, in my view, this anticipatory bail application is not maintainable in view of the specific bar under Section 76 of the Bihar Prohibition and Excise Act, 2016. However, in the event of surrender of the petitioner, the Court-below shall not prejudice by the fact that the petitioner has moved this Court for anticipatory bail.

Accordingly, the application stands dismissed.

(Birendra Kumar, J)

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