

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3674 of 2018

Arising Out of PS. Case No.-122 Year-2017 Thana- SONO District- Jamui

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Varun Kumar @ Barun Kumar, Son of Dinesh Singh, Resident of Village-
Madhurapur, Purwari Tola, Police Station- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. SRI MANISH KUMAR 2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 28-03-2018 Heard learned counsel for the parties.

The petitioner is an accused in Sono P.S. Case No. 122 of 2017 registered for the offences punishable under Sections 30(A), 41 and 47 of the Bihar Excise Act, 1947, as amended to Bihar Excise Amendment Act, 2016 (hereinafter referred to as 'the Act').

When the matter was taken up on 24.01.2018, a question as regards maintainability of anticipatory bail arising out of a case under the Act had arisen when the Court had passed the following order:-

“Learned counsel for the petitioner informs that a Division Bench of this Court has held that anticipatory bail application is maintainable in the cases registered for the offences punishable under the provisions of Bihar Excise Amendment Act, 2016.

List this case under the same heading on 31.01.2018 so as to enable the learned counsel for the petitioner to convince this Court that Division Bench has held anticipatory bail



application to be maintainable.”

Learned counsel for the petitioner has relied on a Division Bench decision of the Court in case of Manish Kumar @ Lokesh Kumar Vs. State of Bihar (Cr. Misc. No. 21578 of 2017) dated 06.11.2017 to submit that an application for anticipatory bail has been held to be maintainable. I do not find from the said Division Bench decision that anticipatory bail application in cases arising out of the Act has been held to be maintainable.

It cannot be the case of the petitioner that ingredients of the offences punishable under Sections 30(A), 41 and 47 of the Act are not available in the present case. Since offences under the aforesaid Sections of the Act are made out on the basis of what has been alleged in the FIR, in my view, this anticipatory bail application cannot be said to be maintainable.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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