

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36886 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- THARTHARI District- Nalanda

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1. Sanjay Yadav, Son of Late Babuchand Yadav,
 2. Shyam Kishore Yadav, Son of Karu Yadav,
 3. Balmiki Yadav, Son of Late Lakhan Yadav,
 4. Birmani Yadav, Son of Vijay Yadav,
- All are resident of Village- Atabalchak, P.S.- Tharthari Distt- Nalanda.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 25-07-2018 Heard Sri Rabindra Prasad Singh, learned counsel for the petitioners and learned Addl. Public Prosecutor.

Four petitioners, apprehending their arrest in Tharthari P.S. Case No.15 of 2018 registered for the offence under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail, in the event of their arrest or surrender.

Learned counsel for the petitioners submits that in this case, nothing was recovered from the conscious possession of the petitioners, rather recovery of country-made liquor was affected from the bank of a river and petitioners have been made accused. Learned counsel for the petitioners, by way of referring



to an order dated 06.07.2018 passed in Cr.Misc.No. 35138 of 2018, has argued that petitioners of the present case were also made accused in another case i.e. Tharthari P.S. Case No.11 of 2018, in which a Bench of this Court has extended the privilege of anticipatory bail. However, on going through paragraph-3 of the petition, it is evident that petitioners were also made accused in the year 2017 vide Tharthari P.S. Case No.112 of 2017 for the offence under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016.

Considering the fact that petitioners are having criminal antecedent showing that they were involved in other cases relating to the Excise Act, I am of the opinion that it is not a case for extending the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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