

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3690 of 2019

Arising Out of PS. Case No.-302 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Raghu Mahto @ Jay Prakash Mahto, son of Baidhnath Mahto, Resident of
Village - Ward No. 8 Gangapur, PS- Musrigharari, Distt- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh
For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Excise Case No. 302 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

From a bolero vehicle, the Police recovered nearly 17.6 litres of illicit foreign liquor. Two persons were arrested. The petitioner is, admittedly, the owner of the said vehicle.

Learned Counsel for the petitioner has submitted that even if the case of the prosecution is treated to be true, the only allegation against the petitioner is that he is the owner of the vehicle. There is no allegation that the said vehicle was being



used with his consent or he had participated in any manner in commission of the offence.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered and decided on the same day without being prejudiced by the present order of dismissal.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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