

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5134 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- KADIRGANJ District- Patna

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1. Anil Kumar son of Naresh Prasad Resident of Banglappar, Police Station-Kadirganj, District-Patna.
 2. Pappu Kumar son of Prem Chandra Prasad Resident of Banglappar, Police Station-Kadirganj, District-Patna.
 3. Ranjit Kumar @ Deoki @ Ranjeet Prasad son of Krishna Prasad Resident of Banglappar, Police Station-Kadirganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 31-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kadirganj Police Station Case No. 113 of 2018, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In response to the Court's query as to whether this application for anticipatory bail can be maintained in view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, learned counsel for the petitioner has submitted that, as a matter of fact, no offence is made out against these petitioners on the basis of what has been alleged in the First Information Report. It is alleged in the First Information Report



that based on secret information a raid was conducted by the police and they found four persons indulging in the activities of trade of illicit liquor. On seeing the police party they fled away. It is alleged that they had left their articles and motorcycle behind, which were recovered by the police. Huge quantity of country-made liquor was recovered. Again on secret information, the Police learnt that the petitioners were the persons, who had fled away seeing the police leaving behind the motorcycle and huge quantity of illicit country-made liquor.

A supplementary affidavit has been filed on behalf of the petitioners, stating therein that the motorcycle, which was seized by the police, does not belong to them.

The allegation which is there may be without substantial basis but it cannot be said that no offence at all is made out against these petitioners, on the basis of what has been alleged in the FIR.

In that view of the matter, this application for anticipatory bail cannot be maintained and is accordingly dismissed.

However, considering the bleak nature of the evidences, based on which these petitioners have been implicated, they are directed to surrender before the Court



below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered and decided on its own merit without on the same day, being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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