

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2547 of 2019

Arising Out of PS. Case No.-276 Year-2017 Thana- MAHESI District- East Champaran

MANOJ SAH @ MANOJ KUMAR SAH, son of Yogendra Sah Resident of
Village- Bakhari Najir, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Mehshi Police Station Case No. 276 of 2017, disclosing offence under Sections 30(a) and 38 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

Learned Counsel for the petitioner has drawn my attention to an order of this Court, dated 13.12.2017, passed in Criminal Misc. No. 60105 of 2017, whereby other co-accused persons have been granted anticipatory bail, which arose out of the same Mehshi Police Station Case No. 276 of 2017. It, however, seems that the question of maintainability of this anticipatory bail application has not been taken in the said order.



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

However, considering the fact that from the vehicle, in question, the police recovered 3.750 litres of foreign liquor and the petitioner's implication is on the ground that he is the owner of the said vehicle, 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 disposed of on the same day without being prejudiced by the present order of dismissal keeping in mind the fact that other similarly situated co-accused persons have been granted anticipatory bail by this Court.

(Chakradhari Sharan Singh, J.)

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