

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10757 of 2019

Arising Out of PS. Case No.-371 Year-2018 Thana- LALGANJ District- Vaishali

SANJAY SINGH Son of Bharat Singh Resident of Village - Namidih,p.s-
lalganj, dist- vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-02-2019

Heard learned counsel for the parties.

The is an application for grant of anticipatory bail in connection with Lalganj P.S. Case No. 371 of 2018, disclosing offences under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted that there is no recovery from the petitioner's possession of any illicit liquor so as to constitute an offence under the provisions of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act'). The petitioner does not have any criminal antecedent, learned counsel for the petitioner contends. He has also submitted that the case has been instituted because of the political rivalry. However, he has not been able to convince this



Court that, based on the allegation made in the FIR, an offence under the Provisions of the Act is not made out. In my view, the offence under the provisions of the Act is made out.

This application is accordingly dismissed.

However, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application. Heard learned counsel for the parties.

(Chakradhari Sharan Singh, J)

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