

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7914 of 2019

Arising Out of PS. Case No.-04 Year-2017 Thana- BIHIA District- Bhojpur

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FULCHAND SINGH S/o Late Mishri Yadav resident of village-Anar, P.S-
Bihiya, District-Bhojpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihiya P.S. Case No. 04 of 2017 for the offence under Sections 30(a) and 56 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that so far as this petitioner is concerned, no offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 is made out against him and, therefore, bar under Section 76(2) of the Act will have no application for entertaining this petition for anticipatory bail. He contends that he has been implicated only because out of the two motorcycles, which were recovered, for being used for illicit liquor trade, one belonged to the petitioner.

In my view, a case for commission of offence



punishable under Section 30(a) of the Act is made out. This application, therefore, cannot be maintained.

However, since the basis of petitioner's implication is based only for recovery of the motorcycle, petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail on the same day.

(Chakradhari Sharan Singh, J)

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