

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13590 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. CHANDAN KUMAR PRASAD Male, aged about 20 years Son of Late Lalan Prasad R/o village- Gopalpur, P.S- Huassainganj, District- Siwan
2. Sanjay Kumar Passi, Male, aged about 30 years S/o Prabhu Choudhary R/o village- Gopalpur, P.S- Huassainganj, District- Siwan
3. Ajay Kumar Choudhary, Male, aged about 30 years, Son of Late Harendra Choudhary R/o village- Gopalpur, P.S- Huassainganj, , District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hussainganj P.S. Case N0. 01 of 2019, disclosing offences under Section 413,414,420 and 34 of the Indian Penal Code and Sections 30(a)/36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioners has submitted that there is no material in the First Information Report to connect these petitioners with the offence alleged except disclosure of their names by some local people, whose identity is not disclosed. The Police are said to have received



information that the petitioners were indulging in selling illicit liquor but who disclosed it, is not mentioned in the First Information report. It is accordingly being submitted that no offence can be said to be made out under the provisions of Section 30(a)/36 and 41(i) of the Bihar Prohibition and Excise act, 2016. The Police are said to have recovered 440 liters after intercepting a pick up Van. Though there is no definite allegation against the petitioners, it cannot be said that no offence under Sections 30(a)/36 and 41(i) of the Bihar Prohibition and Excise Act, 2016 is made out so as to overlook bars under Section 76(a) of the Bihar Prohibition and Excise Act, 2016.

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

Considering, however, the nature of accusation in the First Information Report and the fact that one Pradeep Kumar Tiwary has been granted anticipatory bail by this Court by order dated 27.02.2019, passed in Cr. Misc. No. 12132 of 2019, it is directed that if the petitioners surrender before the Court below within four weeks from today and seek regular bail, their application shall be considered and disposed of on the same day by the Court below, keeping in mind the fact that one co-



accused has been granted anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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