

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11129 of 2019

Arising Out of PS. Case No.-727 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

MANDEEP SINGH Son of Ramuchit Singh Resident of Village -
Damodarpur, P.S.- Mehshi, District - East Chamaparan

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Aarvind Kumar Pandey(App84)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Excise Case No. 727 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under Section 30(a) of the Act is made out in my opinion.

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

It is the case of the prosecution that from adjacent to the petitioner's poultry farm, the excise officials recovered three



cartons of illicit liquor. Learned counsel appearing on behalf of the petitioner appears to be *prima facie* correct in his submission that even if the case of the prosecution is accepted, no offence under the provisions of the Act can be said to be made out.

In view of the above, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court on the same day.

(Chakradhari Sharan Singh, J)

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