

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77582 of 2018

Arising Out of PS. Case No.-369 Year-2018 Thana- SARAIYA District- Muzaffarpur

Chhotu Kumar @ Chhotu Sah S/o Late Jai Karan Sah, R/o Vill.- Gopinathpur
Dokara, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Saraiya P.S. Case No. 369 of 2018 registered under Sections 272 and 273 read with 34 of the Indian Penal Code and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Considering the allegation that the petitioner was involved in sale of illicit liquor and recovery of 69 liters of Indian made country liquor from a place from where used to transact his business, it cannot be said that no prima facie case under the provisions of Bihar Prohibition and Excise Act, 2016 is made out against him. Thus, keeping in mind, the bar created under sub-section (2) of Section 76 of the Bihar Prohibition and



Excise Act, 2016, I am not inclined to grant him pre-arrest bail.

The application for grant of pre-arrest bail to the petitioner is rejected.

In case, the petitioner surrenders and seeks bail the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

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