

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76931 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- BASANTPUR District- Siwan

Surendra Sah Son of Late Bal Chandra Sah, Resident of Village- Sareya, P.S.-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

A supplementary affidavit has been filed on behalf of
the petitioner, which is taken on record.

This application for anticipatory bail, arises out of
Basantpur P.S. Case No. 337 of 2018, disclosing offences under
Sections 30/38/41(1) of the Bihar Prohibition and Excise Act,
2016.

Learned counsel, appearing on behalf of the
petitioner, has attempted to submit that no offence is made out
against the petitioner under the provisions of the Bihar Excise
Act and the allegation made in the first information report
against the petitioner is incorrect. On perusal of the first



information report, this submission can not be accepted. Allegedly, a huge quantity of illegal wine was seized from the petitioner's *Dalan*. This is the petitioner's grievance, however, that the place from where the recovery has been made does not exclusively belong to the petitioner, which is a joint family property.

The offence punishable under the Bihar Excise Act is, however, made out in my opinion on the basis of what has been alleged in the FIR. This application for anticipatory bail, in my view, is therefore, not maintainable and is accordingly dismissed.

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.

(Chakradhari Sharan Singh, J)

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