

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37898 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- RAXAUL District- East Champaran

SHIVJEE PATEL @ MAMA @ SHISH PATEL Son of Late Jamuna Patel
Resident of Village - Chainpur, P.S. - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-06-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in Raxaul Case No. 109 of 2019, disclosing offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016').

Learned counsel for the petitioner has attempted to convince this Court that even if the allegation made in the FIR is treated to be true, no offence under Section 30(a) of the Act of 2016 is made out. He has submitted that the shop, from where the recovery has been made, does not belong to him and he has been falsely implicated.

Be that as it may, on perusal of the FIR, I am of the



view that it cannot be said that no offence at all under Section 30(a) of the Act of 2016 is made out.

In view of Bar under Section 76(2) of the Act of 2016 and the Full Bench decision rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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