

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39349 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- MIRGANJ District- Gopalganj

MD.MERAJUL Son of Asmahmad Devan Resident of Village - Jhakhiya,
P.S.- Banjaria, Dist.- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-06-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in Mirganj P.S. Case No. 142 of 2018, disclosing offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted that the petitioner was not named in the First Information Report and his name has surfaced in course of investigation only because he is the owner of the truck. He submits that since no case under Section 30(a) of Bihar Prohibition and Excise Act, 2016 can be said to be made out against this petitioner, bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 on maintainability of anticipatory bail application shall have no



application.

I am not convinced with the said submission made on behalf of the petitioner. I am satisfied, on perusal of the First Information Report that a case under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 is made out against this petitioner on the basis of what has been alleged.

In view of 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 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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