

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48100 of 2019**

Arising Out of PS. Case No.-317 Year-2019 Thana- KUDHNI District- Muzaffarpur

Amresh Ray S/o Late Bihari Ray (Wrongly Mentioned as Son of Lakhindra Ray) R/o village- Jagarnathpur, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that 2869.920 litres of illicit Indian Made Foreign Liquor were recovered from the truck when ten persons including the petitioner were responsible for the illegal trade of the said liquor.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up only on the basis of suspicion and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Admittedly, truck in question is not registered in the name of the petitioner.

In view of the provision of non-maintainability of anticipatory bail application under Section 76(2) of Bihar Prohibition and Excise Act, 2016 and the ratio laid down by the Full Bench of this Court in the case of Ram Vinay Yadav Vs. State of Bihar, reported in 2019(2) PLJR 1089, the anticipatory bail is not maintainable.

However, it is a case for consideration of regular bail in view of the parameters laid down in the case of Ashok Sahani Vs. State of Bihar, reported in 2017(3) PLJR 632.

In the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned Court below within a period of six weeks from today in connection with Kudhani P.S. Case No. 317 of 2019, pending in the Court of learned Special Judge, Excise Act, Muzaffarpur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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