

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48149 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- KAUWAKOL District- Nawada

=====

MADHUSUDAN CHOUDHARY Son of Late Chhotan Choudhary Resident
of Village - Gwalpara, P.S.- Rupau, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Bishweshwar Ram

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

It is alleged that one litre of country made liquor has been recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

In view of provision of non-maintainability of the anticipatory bail application under Section 76(2) of the Act 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 present anticipatory bail application is not maintainable.

However, in view of the parameters laid down in the case of Ashok Sahni Vs. State of Bihar reported in 2017(3) PLJR 632, let the learned Court below consider the prayer for regular bail of the petitioner preferably on the same day, if he surrenders within a period of six weeks in connection with Kawakole P.S. Case No. 49 of 2019, pending in the Court of learned Additional District and Sessions Judge-II-cum-Spl. Judge, Nawada.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

