

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47870 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- MANJHAGARH District- Gopalganj

RAM PRAVESH RAM @ BAHARAN Son of Jamuna Ram Resident of
Village-Harpur Gosain, P.S.-Manjhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the sitting place situated outside the house of the petitioner, 17.610 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery cannot be treated from the conscious physical possession of the petitioner as the recovery has been made from an open area outside the house of the petitioner. 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 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 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 Manjhagarh P.S. Case No. 137 of 2019, pending in the Court of learned Addl. District and Sessions Judge-2nd-cum- Special Judge, Excise Act, Gopalganj.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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