

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48288 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- PHULPARAS District- Madhubani

MAHESH KUMAR @ MAHESH PRASAD Son of Amar Singh Resident of
House No. 415/2014, Bhagwan Nagar, Near Railway Station, Police Station-
Ganaur, District- Sonipat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Upendra Kumar

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 Sections 272 and 273/34 of the IPC and Sections 30(a) (d),32(2),36 and 38(i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the truck of the petitioner, 2797.460 litres of foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner had given his truck on lease and he has no knowledge about the transportation of alleged quantity of liquor through his truck. 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 under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 and the ratio laid down by the Full Bench 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 it is specifically found that the petitioner has no involvement in the transportation of alleged liquor, in case he surrenders within a period of six weeks in connection with Phulparas P.S. Case No. 71 of 2018, pending in the Court of learned Additional District and Sessions Judge-cum-Spl. Judge, Excise Act, Madhubani.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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