

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48145 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

VINOD MAHTO @ KARI, S/o Late Sheojee Mahto R/o Mananpur, Ward
No. 14, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 1.5 litres of Indian Made Foreign Liquor were recovered from the fast-food shop 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 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 Excise Case No. 200 of 2019, pending in the Court of learned Additional Sessions Judge-2nd-cum-Special Judge, Excise, Samastipur.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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