

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47905 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- PUPRI District- Sitamarhi

VINAY KUMAR Son of Sonafi Raut @ Sonafi Pandit Resident of Near Cinema Hall, Pupri (Mohalla- Adarshnagar), Near Mithila Mandir Cinema Hall), P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda

For the Opposite Party/s : Mr.Arun Kumar

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 offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that the petitioner was intercepted by the police but he managed to escape away leaving his bag, from which, 8.625 litres Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case and the recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in



paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from the bag of the petitioner.

In view of the 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 Pupri P.S. Case No. 185 of 2019, pending in the Court of learned ADJ-II, Sitamarhi.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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