

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47888 of 2019

Arising Out of PS. Case No.-407 Year-2019 Thana- ARA NAWADA District- Bhojpur

1. RAJAT SINGH Son of Uman Singh Resident of Village - Maulabag, P.S.- Ara Nawada, District- Bhojpur
2. Shashi Prasad @ Bhuwar Son of Bhola Prasad Resident of Village - Maulabag, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar
For the Opposite Party/s : Mrs. Sharda 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 offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 8.8 litres of Indian Made Foreign Liquor were recovered from the house of co-accused Janardan Chaudhary. The place of recovery was under tenancy of the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and there is nothing on record to



suggest that the petitioner was the tenant at the place from where recovery has been made. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

In view of the 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 Ara Nawada P.S. Case No. 407 of 2019, pending in the Court of learned learned Special Judge, Excise Act, Bhojpur at Arrah.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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