

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48276 of 2019**

Arising Out of PS. Case No.-25 Year-2019 Thana- ROH District- Nawada

SUNIL YADAV Son of Rajendra Yadav Resident of Village- Samraitha, P.S.-
Roh, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Lalan 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 64 litres of country made liquor has been recovered from the cattle shed of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has been made from an open area and the place of recovery does not belong to 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 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, if he surrenders within a period of six weeks in connection with Roh P.S. Case No. 25 of 2019, pending in the Court of learned Additional District and Sessions Judge-II-cum-Spl. Judge, Nawada.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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