

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47873 of 2019

Arising Out of PS. Case No.-381 Year-2017 Thana- RAJAOLI District- Nawada

Manoj Kumar @ Manoj Yadav, Son of Yoogal Yadav Resident of Village-
Bakhari, P.S.-Rajauli, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Rabindra 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 23 litres of country made mahua liquor were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that recovery has been made from the joint family house. 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 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 Rajauli P.S. Case No. 381 of 2017, pending in the Court of learned Additional District and Sessions Judge-II-cum-Special Judge, Nawada.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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