

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47923 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- SURYAPUR District- Rohtas

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DHANJEE SINGH S/O Ram Raj Singh Resident of Village- Surhuria, P.S.-
Suryapura, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Md. Fahimuddin

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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 from the pump house of the petitioner, 3.420 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the said recovery has been made from an open area, hence, it cannot be treated 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 the said recovery has been made from the pump house of the petitioner.



In view of the provisions of non-maintainability of 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** by the full Bench, 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 Suryapura P.S. Case No. 61 of 2019, pending in the Court of learned 2nd ADJ-cum-Special Judge, Excise, Rohtas at Sasaram.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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