

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48006 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- JAMOBABAZAR District- Siwan

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Ramesh Prasad Son of Sugreev Prasad @ Sugreem Prasad Resident of
Village- Chhotka Jagdishpur, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273, 308/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that the petitioner and one Mahant Prasad @ Bhuwar concealed liquor in the bamboo clump, consequently 50.2 litres of illicit Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the open place and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

In view of the provision of non-maintainability of



anticipatory bail application under Section 76(2) of 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 anticipatory bail is not maintainable. However, it is a case for consideration of regular bail in view of the parameters laid down in the case of Ashok Sahani Vs. State of Bihar, reported in 2017(3) PLJR 632.

In the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned Court below within a period of six weeks from today in connection with Jamo Bazar P.S. Case No. 60 of 2019, pending in the Court of learned Additional District & Sessions Judge-II – cum- Special Judge, Excise, Siwan.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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