

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47926 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- HATHAURI District- Muzaffarpur

=====

FUDAN KUMAR @ FUDAN SINGH, Son of Suresh Prasad Singh, Resident
of Village- Bhadai, P.S.- Hathauri, District- Muzaffarpur Pin- 843117.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

=====

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 Sections 272 and 273 of the
IPC and Sections 30(a), 38(i) of the Bihar Prohibition and
Excise Act, 2016.

It is alleged that from the straw house of the petitioner,
245.805 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the
said recovery is alleged to have been made from a straw house
which is not in 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 recovery has been made from the straw 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 Hathauri P.S. Case No. 82 of 2019, pending in the Court of learned Special Judge, Excise, Muzaffarpur.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

