

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48166 of 2019**

Arising Out of PS. Case No.-278 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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RAGHO MAHTO Son of Late Rameshwar Mahto Resident of Village-
Garabhua Lala Toli, P.S.- Sirisiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

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**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 36 litres of country made liquor were
recovered from the motorcycle of the petitioner.

It is submitted by learned counsel for the petitioner
that the petitioner has maliciously been framed in the present
case. 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 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 Bettiah Town P.S. Case No. 278 of 2019, pending in the Court of learned Special Judge, Excise, Bettiah, West Champaran.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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