

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48957 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- TEKARI District- Gaya

AKHILESH SINGH Son of Bhuilal Singh Resident of Village - Gaharpur,
P.S.- Tekari, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Tekari P.S. Case No. 98 of 2019, disclosing offence under Section 30(c) of Bihar Prohibition and Excise Act, 2016.

The police are said to have conducted raid and recovered huge quantity of fermented *Mahua* from a piece of land belonging to one Ramadhar Singh.

Learned counsel for the petitioner has submitted that the petitioner is the only person named in the FIR who has nothing to do with the place from where recovery has been made. According to him, he has been implicated in the case only on the basis of secret information which the police is said to



have received.

In view of the Full Bench decision of this Court in case of Ram Vinay Yadav Vs. The State of Bihar, reported in 2019(2) PLJR 1089 (F.B.), and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Rajesh/-

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