

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50326 of 2019**

Arising Out of PS. Case No.-80 Year-2018 Thana- VISHNUPAD District- Gaya

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BUTTA YADAV @ KACHHUA YADAV @ KARAN KUMAR Son of Bhola
Yadav Resident of Village-Khatkachak, P.S.-Vishnupad, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 13-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in
Vishnupad P.S. Case No. 80 of 2018, disclosing offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Based on secret information that the petitioner had
collected huge quantity of illicit liquor for commercial purpose,
a raid was conducted. It is further alleged that seeing the police,
taking advantage of darkness of night, two persons fled away.

Learned counsel appearing on behalf of the petitioner
has attempted to persuade this Court that no offence can be said
to be made out against this petitioner under the provisions of
Section 30(a) of Bihar Prohibition and Excise Act, 2016 and,
therefore, bar under Section 76(2) of the Act shall not apply.



I am not much convinced with the said submission. It is difficult for this Court to hold that no offence is made out.

In view of the Full Bench decision rendered in the case of **Ram Vinay Yadav vs. The State of Bihar**, reported in **2019(2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

However, considering the fact that secret information, which is only basis, which has been mentioned in the First Information Report for the petitioner's implication, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered on the same day.

(Chakradhari Sharan Singh, J)

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