

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49334 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- RAGHUNATHPUR District- Siwan

MAHESH GUPTA Son of Dinanath Gupta Resident of village- Aranda, P.S.
Hasanpura, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Raghunathpur P.S. Case No. 120 of 2019, disclosing offence under Sections 30(a) and 41 of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner submits that it is evident from the First Information Report that the raid was carried out on a secret information received by the police leading to recovery of huge quantity of foreign liquor but not from any place possessed by the petitioner. He submits that there is vague reference of information which the police are said to have received that the liquor so recovered belong to the



petitioner and other named accused persons.

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, considering the fact that only vague reference of some information is the basis for implication of this petitioner, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, if so advised, his application for regular bail shall be considered on its own merit on the same day 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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