

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49669 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- BAHADURPUR District- Patna

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RAMKALI DEVI W/o Late Raju Manjhi Resident of Village - Bahadurpur
Musahari Road No.13 B, P.S.- Bahadurpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

This application for grant of anticipatory bail arises out of Special Case No. 4949 of 2019, arises out of Bahadurpur P.S. Case No. 157 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegedly, the police recovered huge quantity of illicit liquor from the garbage cart parked adjacent to a road. Petitioner's name has transpired on the basis of secret information, source of which has not been disclosed in the FIR.

Learned counsel appearing on behalf of the petitioner has submitted that since there is no basis disclosed in the FIR of secret information, no offence under Section 30(a) of Bihar



Prohibition and Excise Act, 2016 can be said to be made out.

Without going into the question as to whether an offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 is made out at all or not, considering the nature of accusation, 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 without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

The Court has not entertained this application 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.

(Chakradhari Sharan Singh, J)

Rajesh/-

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