

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50533 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- SIRDALA District- Nawada

UPENDRA PRASAD Son of Ranjit Prasad Resident of Village - Bhitiya,
P.S.- Sirdala, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hansraj
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sirdala P.S. Case No. 100 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has attempted to persuade this Court that since the recovery of illicit liquor has not been made from the conscious possession of the petitioner, no offence can be said to be made out under Section 30(a) of the Act. The said submission, however, is not acceptable to this Court.

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 small quantity of liquor said to have been recovered 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 and disposed of on the same day 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)

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