

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50537 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- SIRDALA District- Nawada

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HIRA CHAUDHARY S/o Jaglal Chaudhary @ Parmeshwar Chaudhary R/o
Village/Mohalla- Janghaul, P.S.- Sirdala, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr. R.B. Roy 'Raman', APP

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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. 70 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that a secret information received by the police is the only basis for implication of this petitioner in the First Information Report. There is no material to connect this petitioner with the recovery of illicit country made liquor over and above the said secret information received by the police.

On perusal of the First Information Report, however, I find that the petitioner was seen fleeing away from the place of occurrence from where recovery of illicit liquor was made by the police.



In such background, the plea that no case is made out of the offence punishable under Section 30(a) of the Act cannot be accepted.

Learned counsel appearing on behalf of the petitioner has drawn my attention to the orders of this Court dated 08.05.2019 passed in Cr. Misc. No. 29905 of 2019 and order dated 26.06.2019 passed in Cr. Misc. No. 39052 of 2019, whereby two similarly circumstanced co-accused persons have been allowed anticipatory bail by this Court. The said orders have been brought on record by way of Annexure-2 and Annexure-3.

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 facts noted above, 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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