

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54390 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- TAJPUR District- Samastipur

HANS RAJ SAHNI @ KAPAR @ HANSRAJ SABNI @ HANSRAJ
KAPAR S/o Tula Kapar Sahni R/o village- Gunahi Bashi, P.S.- Tajpur,
District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Tajpur P.S. Case No. 23 of 2018, disclosing offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 38(1)(2) and 41(1)(2) of Bihar Prohibition and Excise Act, 2016.

There are three persons named in the First Information Report including this petitioner. From the house of One Usha Devi, the police are said to have recovered slightly more than 25 and ½ liters of illicit liquor.

Learned counsel appearing on behalf of the petitioner has submitted that there is nothing specifically alleged against the petitioner that he has committed any offence under the



provisions of the Bihar Prohibition and Excise Act, 2016. It has also been argued that there is no material basis worth evidence for implicating the present petitioner.

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, in above view of the matter, 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 its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court, on the same day.

(Chakradhari Sharan Singh, J)

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