

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60014 of 2019**

Arising Out of PS. Case No.-690 Year-2017 Thana- BARACHATTI District- Gaya

SHYAMSUNDAR YADAV Sonof Chandar Yadav Resident of Village - Goat,  
P.S.- Mohanpur, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      10-12-2019                      Heard the learned counsel for the petitioner and  
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
in connection with Barachatti (Mohanpur) PS case no. 690 of  
2017 registered for the offences punishable under Section 30(d)  
of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 100 kg of  
mahua flour from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that  
the petitioner has been falsely implicated in the present case and  
is having a clean antecedent.

Having regard to the facts and circumstances of the  
case, this Court finds that on account of the bar to grant  
anticipatory bail under Section 76(2) of Bihar Prohibition and



Excise Act, 2016, the present petition is not maintainable, however the petitioner is granted liberty to surrender before the learned court below and in case, the petitioner surrenders before the learned court of Special Excise Judge, Gaya in connection with Barachatti (Mohanpur) PS case no. 690 of 2017, within a period of four weeks from today, the learned court below shall consider the case of the petitioner for grant of regular bail and pass appropriate orders on the very same day considering the fact that a meager quantity of 100 kg of mahua flour has been recovered from the motorcycle of the petitioner.

The present petition stands disposed off with the aforesaid observations and directions.

**(Mohit Kumar Shah, J)**

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