

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76936 of 2019

Arising Out of PS. Case No.-449 Year-2019 Thana- GAYA KOTWALI District- Gaya

MD. IRFAN, Son of Md. Kamu @ Aslam, Resident of Mohalla - East Sarai
Jama Masjid, P.S. Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of **Kotwali P.S. Case No. 449 of 2019**, disclosing the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

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 submission that petitioner has been implicated with the sole allegation that he was found fleeing and recovery has been made from a place described in the seizure list to be somewhere in ‘a street’ in front of *Jama Masjid* and it does not appear from the seizure list that recovery was made from any place occupied by the petitioner, the petitioner is directed to surrender before the Court below within four weeks from today and seeks regular bail, if so advised. If he does so, his application for regular bail shall be considered and disposed of on the same day.

(Chakradhari Sharan Singh, J)

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