

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85051 of 2019**

Arising Out of PS. Case No.-269 Year-2019 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

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LAXMI SINGH Son of Late Raksha Singh Resident of Village - Chapardah,  
P.S.- Magadh Medical, 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.Humayou Ahmad Khan

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

2      20-12-2019                      Heard the learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Magadh Medical P.S. Case No. 269 of 2019 for the offence  
registered under Section 30(a) (d) of the Bihar Prohibition and  
Excise Act, 2016.

The allegation is regarding recovery of huge quantity  
of Mahua flower from the shop of the petitioner.

The learned counsel for the petitioner has submitted  
that the petitioner is innocent and he has been falsely implicated  
in the present case.

Having regard to the facts and circumstances of the  
case and considering the fact that it cannot be said that no  
offence is made out under the provisions of the Bihar



Prohibition and Excise Act, 2016, the present anticipatory bail is not maintainable in view of the bar under Section 76 sub-clause (2) of the Bihar Prohibition and Excise Act, 2016, hence the present petition stands dismissed.

However, in case the petitioner surrenders before the learned court below within a period of four weeks from today, the learned court below shall consider the regular bail petition of the petitioner and dispose off the same on the very same day.

The petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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