

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84605 of 2019

Arising Out of PS. Case No.-525 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RANJIT MAHTO @ RANJIT KUMAR Son of Ramesh Mahto Resident of
Village- Kewas Jagir, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-12-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 525 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 95 litres of
illicit liquor from the toilet of the house of the petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and though he is accused in one other
case but he is on bail in the said case.

This Court finds that on account of bar under Section
76 sub-clause (2) of the Bihar Prohibition and Excise Act,
2016, since the recovery of illicit liquor has been made from



the toilet of the house of the petitioner, the prayer for anticipatory bail would not be maintainable, hence the present petition stands dismissed.

Having regard to the facts and circumstances of the case, this Court deems it fit and proper to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today whereupon the learned court below shall consider the prayer of the petitioner for grant of regular bail on the very same day and pass appropriate orders considering the fact that trivial quantity of illicit liquor has been recovered from the toilet of the house of the petitioner.

(Mohit Kumar Shah, J)

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