

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4746 of 2020

Arising Out of PS. Case No.-328 Year-2019 Thana- MURLIGANJ District- Madhepura

1. SADANAND VISHWAS Son of Late Rameshwar Vishwas Resident of Village - Pokhram, P.S.,- Murliganj, Distt.- Madhepura.
2. Maheshwar Vishwas Son of late Rajendra Vishwas Resident of Village - Pokhram, P.S.,- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Murliganj PS case no. 328 of 2019 registered for the offences punishable under Sections 379, 411 of Indian Penal Code and Sections 30 (a), 41(i) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding a truck having got stuck on the side of the road, whereafter the accused persons had started stealing illicit liquor kept in the said truck and the petitioners are stated to be amongst them.

The learned counsel for the petitioners submits



that the petitioners have been falsely implicated in the present case and are having clean antecedent. It is further submitted that though the recovery of illicit liquor has been made from the house of the petitioners but the quantity is trivial.

Having regard to the facts and circumstance of the case, this Court is of the view that since recovery has been made from the house of the petitioners herein, the present petition is not maintainable being barred by the provisions contained in Section 76(2) of Bihar Prohibition and Excise Act, 2016, hence the same is dismissed. However, it is directed that in case, the petitioners surrender before the learned court below within a period of four weeks from today and applies for grant of regular bail, the learned court below shall decide the case of the petitioners for grant of regular bail on the very same day, specially considering the fact that trivial quantity of liquor has been recovered from the house of the petitioners.

With the aforesaid observations and directions, the present petition stands disposed off.

(Mohit Kumar Shah, J)

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