

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1842 of 2020

Arising Out of PS. Case No.-400 Year-2019 Thana- BEUR District- Patna

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DOMAN YADAV @ MANOJ KUMAR S/O Jai Ram Singh Resident of
Harish Chandra Nagar, Sipara, P.S. - Beur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-01-2020 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 Beur PS case no. 400 of 2019 registered for
the offences punishable under Section 30 (a) of Bihar
Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 20 liters of
illicit liquor from a bag said to have been carried by 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. It is further submitted that no
incriminating article has been recovered from the possession of
the petitioner.



Having regard to the facts and circumstance of the case, this Court is of the view that in view of bar under Section 76(2) of Bihar Prohibition and Excise Act, 2016, the present petition is not maintainable, hence is dismissed. Nonetheless, the learned trial court is directed to consider the regular bail application of the petitioner, in case the petitioner surrenders and apply for the same, and pass appropriate orders on the very same day, specially considering the fact that meager quantity of illicit liquor has been recovered from the petitioner.

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

(Mohit Kumar Shah, J)

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