

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6484 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. AJIT KUMAR @ AJIT SAHNI S/o Surendra Sahni R/o village- Ismailpur, P.S.- Hajipur Sadar, District- Vaishali
2. Ravi Rai S/o Umesh Rai R/o village- Harauli, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-06-2020 Learned counsel for the petitioners states that petitioner no. 2 has been arrested during pendency of this application.

This application is accordingly dismissed to the extent it relates to petitioner no. 2.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Hajipur Sadar P.S. Case No. 384 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

It is the case of the prosecution that from the Banana



orchard of the petitioner the police recovered 473.60 litres of country-made liquor.

Learned counsel appearing on behalf of the petitioner has submitted that though the lands from where the recovery has been made belongs to the petitioner, he was not present when raid was conducted and recovery was made by the police. She has further submitted that no offence under the provisions of Bihar Prohibition and Excise Act, 2016 is made out against the petitioner and, therefore, this anticipatory bail application is maintainable despite there being bar under Section 76 (2) of the Act.

I do not find any merit in the submissions made on behalf of the petitioner on the point of maintainability. The FIR discloses commission of the offence against the petitioner. Considering the huge quantity of illicit liquor recovered from the land belonging to the petitioner, it cannot be said that the petitioner was completely unaware and no offence is made out on the basis of what has been alleged in the FIR against the petitioner.

This application is accordingly dismissed as not maintainable.

However, the petitioner no. 1 is directed to surrender



before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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