

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5933 of 2020

Arising Out of PS. Case No.-429 Year-2019 Thana- MANER District- Patna

1. AKHILESH KUMAR Son of Mahanand Singh Resident of Village-Jivarakhan Tola, P.S.-Maner, District-Patna.
2. Roshan Kumar Son of Sakaldeo Rai Resident of Village-Molanipur, Darveshpur, P.S.-Maner, District-Patna.
3. Ravindra Singh Son of Shyamdas Singh Resident of Village-Byapur, P.S.-Maner, District-Patna.
4. Ram Sundar Ray Son of Panchhi Ray Resident of Village-Ward No.5, Balban Tola, Kotwapatti Rampur, P.S.-Doriganj, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Maner P.S. Case No. 429 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the prosecution that from the cabin of the State boring, 25 liters of Mahua wine was recovered by the police. Four vehicles were found parked outside the cabin, which were found to be registered in the name of these petitioners.



Learned counsel appearing on behalf of the petitioners' has submitted that the recovery cannot be said to have been made from the possession of these petitioners' and their implication is only on the basis that their motorcycles were found parked near the place from where the recovery was made.

Considering the nature of allegation, keeping in mind bar under Section 76(2) of the Bihar Prohibition and Excise Act, this application is dismissed with a direction to let the petitioners 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 on the same day 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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