

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6483 of 2020**

Arising Out of PS. Case No.-423 Year-2019 Thana- ALOULI District- Khagaria

1. LALAN SAH @ LALAN KUMAR S/o Brahamdeo Sah R/o village- Jogiya, P.S.- Alouli, District- Khagaria
2. Sajjan Sah S/o Brahamdeo Sah R/o village- Jogiya, P.S.- Alouli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-06-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Alouli P.S. Case No. 423 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the case of the prosecution, on a secret information, the police in the evening of 29.11.2019 had proceeded towards the petitioners' house to conduct a raid. The moment they reached near the house of these petitioners, the police allegedly noticed two persons fleeing away with a bag. Subsequently, they threw the bag in the



nearby field, which was subsequently recovered leading to seizure of 5.805 litres of country-made liquor.

In my opinion, this anticipatory bail application is not maintainable in view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

This application is accordingly dismissed as not maintainable.

It is difficult for this Court to record that no offence is made out against the petitioners because their names have surfaced on the basis of disclosure made by local people. However, since the description of the persons, who, allegedly, disclosed to the police that the petitioners were the persons who had fled away after throwing the bag, leading to recovery of the said India made foreign liquor, has not been disclosed in the FIR, it is directed that if the petitioners surrender before the Court below within four weeks from today and seek regular bail, if so advised, their 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, keeping in mind the small quantity of
liquor allegedly recovered.

(Chakradhari Sharan Singh, J)

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