

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8860 of 2020

Arising Out of PS. Case No.-473 Year-2019 Thana- PATORI District- Samastipur

1. RAM BABU RAY @ RAM BABU RAI Son of Late Yugal Ray Resident of Village - Uttari Dumari Mohanpur, P.S.- Shahpur Patori, Distt - Samastipur.
2. Rohit Kumar Son of Dilip Ray Resident of Village - Uttari Dumari Mohanpur, P.S.- Shahpur Patori, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 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 Shahpur Patori PS case no. 473 of 2019 registered for the offences punishable under Sections 272, 273/34 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The case of the prosecution in brief is that upon receipt of secret information that illicit liquor was being carried on various vehicles, the police had laid a trap and a vehicle was intercepted by the police, however the occupants/ accused persons succeeded in fleeing away and upon search of the said vehicle, huge quantity (about 4830 liters) of illicit liquor was seized.



The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case.

I have heard the learned counsel for the petitioners and considering the materials on record from which, it is apparent that the petitioners are accused in other criminal cases and moreover, it has not been denied that the petitioner no. 2 is the driver of the said vehicle in question nor it has been denied that the petitioner no. 1 is the owner of the vehicle, hence it cannot be said that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, inasmuch as the petitioners are having direct complicity in the present case, thus, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall come into play which bars grant of anticipatory bail, in cases where the accused persons have been booked under the provisions of the Bihar Prohibition and Excise Act, 2016. In such view of the matter, this Court finds that the present anticipatory bail petition is not maintainable, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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