

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13350 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- HASPURA District- Aurangabad

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Jai Prakash Giri, aged about 58 years (male), son of Hardev Giri, Resident of
Village-Shankarpur, P.S.-Haspura, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the State : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Bachan Jee Ojha, learned counsel for the petitioner and Mr. Tapeswar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Haspura PS Case No. 20 of 2020 dated 28.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

4. The allegation against the petitioner is that he along with his two sons was dealing in illicit liquor and on



confidential information that from a tempo they were unloading liquor, when the police reached the spot, 2-3 persons fled away and from the tempo 375 bottles of liquor was recovered from two sacks.

5. Learned counsel for the petitioner submitted that he has neither been caught at the spot nor is there any recovery from him and the tempo does not belong to him. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner and his two sons were indulging in such activity and on specific information that they were unloading liquor from a tempo, when the police reached there, 2-3 persons had run away and from the tempo there was recovery of 375 bottles of liquor. It was submitted that the owner and driver of the tempo have also been made accused. Moreover, learned counsel submitted that the application is not maintainable in view of bar of Section 76(2) of the Act which does not permit an application for grant of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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