

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16615 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- PIRI BAZAR District- Lakhisarai

1. SHAMBHU YADAV Son of Banarshi Yadav Resident of Village- Lahsorwqa, P.S.- Piri Bazar, District- Lakhisarai.
2. Bhuna Yadav Son of Gainu Yadav Resident of Village- Lahsorwqa, P.S.- Piri Bazar, District- Lakhisarai.
3. Baleshwar Yadav Son of Bairagi Yadav Resident of Village- Lahsorwqa, P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 20-08-2020 Heard learned counsel for the petitioners and Mr.
Shyam Kumar Singh, learned A.P.P. for the State

petitioners, in the present case, is seeking anticipatory bail in connection with Piri Bazar P.S. Case No. 05 of 2020 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018, pending in the court of learned Additional District and Sessions Judge – IInd-cum-Special Judge (Excise), Lakhisarai.

Learned counsel for the petitioners submits that the recovery of illicit liquor have been shown from Hut



situated in a field which has been alleged to be that of these petitioners. It is submitted that the petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of these petitioners. It is submitted that there are prima-facie materials against the petitioners in form of their identification by the Mahal Chowkidar and further that the Huts from which the illicit liquors have been recovered were situated in the field of the petitioners. Learned A.P.P. therefore submits that in view of the bar created under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019(2) PLJR 1089** the petitioners do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, there being prima-facie materials present in the first information report to connect these petitioners, following the judgment of the Hon'ble Full Bench of this court in the case of **Ram Binay Yadav (supra)**, I am not inclined to grant privilege of anticipatory bail to the



petitioners.

Prayer for anticipatory bail of the petitioner is refused.

In case, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today the same shall be considered by the court below on their own merit without being prejudiced by the orders of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

