

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 19955 of 2020

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Ganesh Sahani, S/o Sri Sita Ram Sahani, Resident of Mohalla Ashok Nagar,
 Road No. 14A, Samrat Colony, Kankarbagh, Patna.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Sinha, Advocate

For the Respondent State: Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-08-2020 Heard Mr. Manoj Kumar Sinha, learned counsel
 appearing on behalf of the petitioner and Mr. Ramesh Chandra,
 learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Kankarbagh P.S. Case No. 1178 of 2019, registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

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 for anticipatory bail cannot be maintained.

The submission made on behalf of the petitioner that



even if the allegation, as contained in the First Information Report, is taken to be correct, no offence could be said to be made out under the provisions of the Bihar Prohibition and Excise Act, 2016, is not acceptable to this Court.

This application is accordingly dismissed as not maintainable.

However, considering the quantity of liquor (approx. 9 litres) seized, it is observed that if the petitioner surrenders before the Court below within eight weeks from today and seeks regular bail, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court, on the same day.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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