

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22012 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- ROSERA District- Samastipur

Murari Mahto @ Murari Kumar, aged about 30 years, Male, son of
Umashankar Mahto @ Umashankar Kamati, Resident of Village Panchgama,
P.S. Rosera, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 18-08-2020

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

2. Heard Mr. Mahendra Pratap, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Rosera PS Case No. 15 of 2020 dated 11.01.2020, instituted under Sections 272/273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that on



specific information that the petitioner and co-accused Sanjay Yadav were indulging in the business of illicit liquor, when the police raided the house of one Ramchandra Yadav, co-accused Sanjay Yadav was caught but the petitioner managed to run away and from the spot 815 bottles of illicit liquor were recovered.

5. Though learned counsel for the petitioner argued the case on merits, but a preliminary objection was raised by learned APP that the application for anticipatory bail is not maintainable under Section 76 (2) of the Act.

6. As the allegation is specific that the petitioner was indulging in the trade of illicit liquor and was the person who ran away from the spot where the co-accused was caught and he has taken the name of the petitioner as the person who ran away, the Court finds the objection of learned APP to be sustainable.

7. In view of the aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

