

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25761 of 2020

Arising Out of PS. Case No.-447 Year-2019 Thana- BAHADURPUR District- Darbhanga

RAM BABU MAHTO @ PUKIA MAHTO, Son of Mahendra Mahto,
Resident of Village - Dilawarpur P.S. - Bahadurpur, District - Darbhanga.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-10-2020 The matter has been taken up through virtual Court proceeding.

Let the defects, if any, be removed within fifteen days of the start of the physical Court.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that from the house of the petitioner foreign liquor was recovered. Wife of the petitioner was apprehended at the spot. However, the petitioner escaped his arrest.

The learned court below has considered the provisions of bar of prayer for anticipatory bail as contained in Section



76(2) of the Bihar Prohibition and Excise Act, 2016 as well as consistent judgment of a full bench of this Court in Ram Vinay Yadav Vs. The State of Bihar reported in 2019(2) PLJR 1089.

Learned counsel for the petitioner submits that petitioner had no knowledge about the recovered liquor nor independent witnesses have witnessed the recovery.

Considering the *prima facie* material available on the record and presumption under Section 32 of the Act as well as bar of prayer for anticipatory bail, I am not inclined to interfere with the impugned order.

Accordingly, this application stands dismissed in connection with G.O. Case No. 824 of 2019/Simiri P.S. Case No. 130 of 2019 pending in the Court of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga/successor Court.

Petitioner may surrender and pray for regular bail.

(Birendra Kumar, J)

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