

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21774 of 2020

Arising Out of Jagdishpur P.S. Case No- 79 Year- 2020 District- Bhojpur, Ara

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1. BIRENDRA SINGH, aged about 35 years, (male), S/o- Dadan Singh
 2. BHIKHARI SINGH, aged about 28 years, (male), S/o- Bhihan Singh
 3. SUJIT SINGH, aged about 30 years, (male), S/o- Janardhan Singh
 4. BHUTTI YADAV, aged about 27 years, (male), S/o- Pashuram Singh
- All are R/o village- Narayanpur, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 2 14-08-2020 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Damodar Prasad Tiwari, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises in connection with Excise Case No. 646 of 2020 arising out of Jagdishpur P.S. Case No. 79 of 2020, registered for the offence punishable under Section 3(d) of the Bihar Prohibition & Excise Act 2016.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under Section 30(a) of the Act is made out in my



opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

I have taken note of the fact that two raids were conducted by the police at the same place, as per the case of the prosecution one on 22.04.2020, giving rise to the present case and on 10.05.2020 giving rise to Jagdishpur P.S. Case No. 100 of 2020. Persons named in Jagdishpur P.S. Case No. 100 of 2020 have also filed application for anticipatory bail before this Court, registered as Cr. Misc. 21777 of 2020, which is listed before this Court today. This gives an impression that the police have found activities of manufacturing of illicit liquor at the same place at least on two occasions leading to registration of two separate cases.

However, the petitioners are directed to surrender before the Court below within two months from today and seek regular bail, if so advised. If they do so, their 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.

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



Since there is a lockdown, 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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