

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26711 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- BAIRIYA District- West Champaran

1. SURESH MAHTO S/o Raktu Mahto
2. Nakchhed Sah S/o Late Doma Sah
Both are Resident of Village- Hat Saraiya Dih, P.S.- Bairiya, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rajani Kumari, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-11-2020 Let the defects be removed within two weeks of the
start of the physical Court.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State in virtual Court.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Section30(a)
of the Bihar Prohibition and Excise Act, 2016.

2 liters of liquor was recovered each from the
separate house of the petitioners. Petitioners have stated on oath
that they have got no criminal antecedent.

Considering the presumption of law under Section
32 and consequent bar of the prayer for anticipatory bail under



Section 76(2) of the Bihar Prohibition and Excise Act, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Bairiya P.S.Case No.361 of 2019 pending in the court of learned Special Judge, Bairiya, Bettiah, West Champaran. Hence prayer is refused.

However, in the event of surrender of the petitioners, their prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

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