

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28364 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- SHEKHPURA District- Sheikhpura

1. BIPIN KUMAR Son of Latan Yadav Resident of Village- Dhobaghatta Budhauri, P.S.- Sheikhpura, District- Sheikhpura.
2. Bikki Kumar Son of Latan Yadav Resident of Village- Dhobaghatta Budhauri, P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-12-2020 This matter has been taken up in virtual Court.

Let the defects be removed within two weeks of the
start of the physical Court.

Heard the parties.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 272/273 of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

From the house of the petitioners, liquor was
recovered and mother of the petitioners was taken into custody.

Submission is that the petitioners were not there at the
time of recovery nor they are accused in any such type of case.



Considering the presumption of law under Section 32 of the Bihar Prohibition and Excise Act as well as consequent bar of prayer for anticipatory bail under Section 76(2) of the said Act, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Excise Case No. 142 of 2020 arising out of Sheikhpura P.S. Case No. 113 of 2020.

Hence, prayer for anticipatory bail of the petitioners 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 and considering the fact that for the same recovery, one of the family member who was found in the house was taken into custody.

(Birendra Kumar, J)

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