

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59842 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- SRINAGAR District- West Champaran

1. Binod Yadav Son of Mahavir Yadav Resident of Village - Baijua, P.S.- Srinagar Pujaha, District - West Champaran.
2. Anirudh Sah @ Anrudh Sah Son of Suresh Sah Resident of Village - Baijua, P.S.- Srinagar Pujaha, District - West Champaran.
3. Belash Prasad Son of Sadhu Mahto Resident of Village - Dumariya, P.S.- Bairiya, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar No 7, Advocate
For the Opposite Party : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Srinagar Pujaha P.S. Case No.121 of 2018 registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the
petitioners that so far as petitioner nos. 2 and 3, namely, Anirudh
Sah @ Anrudh Sah and Belash Prasad respectively are
concerned, their application for grant of pre-arrest bail has
become infructuous as they have already been arrested by the
police.



In view of the submission made above, the application filed on behalf of petitioner nos. 2 and 3 for grant of pre-arrest bail is dismissed as infructuous.

So far as the petitioner no. 1 is concerned, it is submitted by the learned counsel for the petitioner that the informant of the case is Chaukidar Shambhu Yadav. He is the resident of the same locality, but has not named the petitioner as one of the persons involved in illicit trade of liquor.

On the other hand, learned counsel appearing for the State submitted that the name of the petitioner transpired during investigation. It has come in the case-diary that it was the petitioner and two others, who were carrying huge quantity of illicit liquor on the date of seizure. She contended that in view of sub-section (2) of Section 76 of the Bihar Prohibition and Excise Act, 2016 as also in view of Full Bench judgment of this Court in **Ram Vinay Yadav vs. State of Bihar [2019 (2) PLJR 1089]**, the instant application for grant of pre-arrest bail is not maintainable.

I find substance in the submission made on behalf of learned counsel for the State.

In view of statutory bar to the application under Section 438 of the Code of Criminal Procedure, so far as the



application for grant of pre-arrest bail of petitioner no. 1,
namely, Binod Yadav is concerned, is dismissed as not
maintainable.

(Ashwani Kumar Singh, J)

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