

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78084 of 2019

Arising Out of PS. Case No.-259 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. RAMA SINGH Son of Late Sama Singh Resident of Village - Bistaul, P.S.- Baikunthpur, District - Gopalganj.
2. Mukesh Singh @ Mukesh Sing Son of Rama Singh Resident of Village - Bistaul, P.S.- Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as ‘the Act’).

The prosecution case is to the effect that from the house of the petitioners, total 6.48 litres of Indian Made Foreign Liquor were recovered.



Learned counsel for the petitioners submits that the recovery has been made from the joint family house. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the recovery has been made from the house of the petitioners.

Since recovery has been made from the house of the petitioners, in view of embargo of Section 76(2) of the Act and the ratio laid down by the full bench in the case of Ram Binay Yadav Vs. State of Bihar reported in 2019(3) BLJ 858, the present anticipatory bail application is not maintainable.

Accordingly, the present application, filed with a prayer for anticipatory bail in connection with Baikunthpur P.S. Case No. 259 of 2019, pending in the Court of learned ADJ-II-cum-Special Judge, Excise Act, Gopalganj is dismissed as not maintainable.

(Dinesh Kumar Singh, J)

Amrendra/-

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