

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86673 of 2019**

Arising Out of PS. Case No.-467 Year-2019 Thana- SUGAULI District- East Champaran

Kanhai Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 467 of 2019 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition and Excise Act 2016.

Admittedly, one Raj Kumar was caught on the spot and disclosed that he as well as petitioner used to sell country made liquor. Although petitioner was neither caught on the spot nor anything was recovered from his conscious possession but taking note of the aforesaid discloser made by co-accused, the name of petitioner came in this case.

In my view, this anticipatory bail petition is not maintainable in view of section 76(2) of Bihar Prohibition and



Excise Act 2016.

Accordingly, this petition stands dismissed being not maintainable.

However, petitioner is directed to surrender within six weeks and if he does so, and makes prayer for regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudice by this rejection order, particularly keeping in mind that nothing has been recovered from possession of the petitioner nor petitioner was caught on the spot.

N.K/-

(Hemant Kumar Srivastava, J)

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