

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6519 of 2020

Arising Out of PS. Case No.-194 Year-2018 Thana- GOPALPUR District- Gopalganj

AJAY KUMAR Son of Sri Rajeshwar Yadav Resident of Village - Tilathi,
P.O.- Rajanpur, P.S.- Simri Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Gopalpur P.S. Case No. 194 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the case of the prosecution, police recovered 1010.880 litres of illicit liquor from a pick-up van. The occupants of the pick-up van had managed to flee away. Indisputably, the petitioner is the owner of the vehicle. In view of what has been alleged in the FIR, it is difficult for this Court to record, at this stage, that no offence under the provisions of the Excise Act is made out.

Section 76(2) of the Bihar Prohibition and Excise Act,



2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under Section 30(a) of the Act is made out in my opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

