

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87451 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- PARSA District- Saran

1. Pramod Mahto Son of Jaylal Mahto
2. Mantu Sah Son of Goden Sah
Bothe are resident of Village - Kishunpur, P.S.- Bheldi, Dist.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Ramesh Chandra

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

ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Parsa P.S. Case No. 118 of 2019 registered for the offences
punishable under Sections 414/34 of the Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act, 2016.

The police got confidential information that illicit
Indian made foreign liquor is being carried on a vehicle by the
petitioners and two others and having got the aforesaid
information, police intercepted the vehicle but petitioners and
one other are said to have escaped from there whereas one co-
accused was apprehended by the police. The aforesaid



apprehended accused disclosed that petitioners were also with him.

Learned counsel appearing for the petitioners submits that nothing was recovered from possession of the petitioners and, therefore, no case under Section 30(a) of Bihar Prohibition and Excise Act, 2016 is made out but I am unable to accept the aforesaid contention because the person who was caught with illicit liquor disclosed that petitioners were also with him while the illicit liquor was being carried.

Therefore, in the aforesaid facts and circumstances, in my view, this petition is hit by Section 76(2) of Bihar Prohibition and Excise Act, 2018 and accordingly, this petition stands dismissed being not maintainable.

However, if petitioners surrender before the court below within six weeks and seek regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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