

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86030 of 2019

Arising Out of PS. Case No.-228 Year-2019 Thana- VISHNUPAD District- Gaya

SATISH MALAKAR S/o Vishwanath Malakar R/o Mohalla- Lakhanpura,
P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Vishnupad P.S. Case No. 228 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 13.053 litres of illicit English wine from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view that since the recovery of



illicit liquor has been made from the house of the petitioner, it cannot be said that no offence is made out under the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, hence the present petition is not maintainable in view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, thus the present petition stands dismissed. However, it is directed that in case the petitioner surrenders before the learned court below within a period of four weeks from today and applies for regular bail, the learned court of Special Judge, Excise Act, Gaya shall consider and dispose off the case of the petitioner for grant of regular bail in connection with Vishnupad P.S. Case No. 228 of 2019, on the very same day especially considering the fact that the petitioner is having a clean antecedent and trivial quantity of liquor has been recovered from the house of the petitioner.

With the aforesaid observations and directions, the present petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

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

