

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85982 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- TARARI District- Bhojpur

SOSHIL KUMAR @ SUSHIL KUMAR SINGH @ SUSHIL SINGH S/o
Harish Chandra Singh R/o Village- Tarari, P.S.- Tarari, Dist- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliari

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Tarari PS case no. 217 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 09 liters of illicit liquor from a house belonging to three brothers including the petitioner herein.

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

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner, this Court is of the view that since *prima facie* case is made out



against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, the bar of Section 76(2) of Bihar Prohibition and Excise Act, 2016 would come into play, hence the present petition is not maintainable, thus the same is dismissed, however it is directed that in case petitioner surrenders before the learned court below within a period of four weeks from today and prays for regular bail, his case would be considered by the learned court of 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara on the very same day and appropriate orders would be passed, considering the fact that only trivial quantity of illicit liquor has been recovered from the house of the petitioner which is stated to be in joint possession of three brothers.

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

(Mohit Kumar Shah, J)

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