

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86979 of 2019**

Arising Out of PS. Case No.-233 Year-2019 Thana- SONBERSA District- Sitamarhi

Rajkumar Mahto @ Rajkumar Son of Kishori Mahto Resident of Village -
Madhesara, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

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

ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Sonbarsa P.S. Case No. 233 of 2019 registered for the offences
punishable under Sections 272, 273, 414 of the Indian Penal
Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

In huge quantity, Indian made foreign liquor was
recovered from a truck. The driver of the aforesaid truck
disclosed that seized liquor was to be delivered to Vijay, Sujay
and Vinod and petitioner and Sujay had come to take the
delivery but seeing the police party they fled away.

Section 76(2) of Bihar Prohibition and Excise Act,
2016 prohibits to entertain the petition filed under Section 438



of the Cr.P.C. for the offences registered under the provisions of Bihar Prohibition and Excise Act, 2016. Therefore, in my view, this petition is not maintainable. Accordingly, this anticipatory bail petition stands dismissed being not maintainable.

However, it is made clear that if petitioner surrenders before the court below and seeks regular bail within six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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