

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10246 of 2020**

Arising Out of PS. Case No.-22 Year-2019 Thana- KISHANGANJ District-
Kishanganj

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Raghubir Gupta Son of late Jagdish Prasad Gupta Resident of Village -
Burdwan Road, Ward No. 06, P.S. Siliguri, Dist Dargeling, State - West
Bengal, Pin - 734001.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Zainul Abedin, Advocate

For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner hereby
undertakes to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner has renewed his prayer for
anticipatory bail in connection with Special Case No. 17 of 2019
arising out of Kishanganj P.S. Case No. 22 of 2019 for the offences
alleged under Sections 30(a) and 41(i) of the Bihar Prohibition
and Excise Act, 2016, having earlier been rejected by order dated
22.07.2019 in Cr. Misc. No. 24263 of 2019.

3. Having regard to the nature of accusations made, the



petitioner has not been able to satisfactorily show that no offence is made out under the Bihar Prohibition and Excise Act, 2016. As such and for the detailed reasons enumerated in my earlier order passed in *Cr. Misc. No. 9688 of 2020 (Ghanshyam Ram Vs. State of Bihar)*, the petition for anticipatory bail is held to be not maintainable in terms of Section 76(2) of the said Act. The petition stands dismissed.

4. If the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on its own merit in accordance with law without being prejudiced by any observation in the present order.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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