

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31920 of 2020

Arising Out of PS. Case No.-455 Year-2019 Thana- ATRI District- Gaya

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Ranjay Singh @ Ranjo Singh @ Ranjit Kumar, aged about 32 years (Male),
Son of Kamta Singh, Resident of Village - Tetaru, P.S.- Atri, District - Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. SSP Yadav, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. SSP Yadav, learned counsel for the petitioner and Mr. Md. Arif learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State as Ms. Nirmala Kumari, learned APP, who has been assigned the brief, despite the link having been sent and the Technical Assistant trying to contact her on her mobile phone, did not answer.

3. The petitioner apprehends arrest in connection with Atri PS Case No.455 of 2019 dated 21.10.2019, instituted under Sections 272 and 273 of the Indian Penal Code and 30(a)(d), 37(c) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Act”).



4. The allegation against the petitioner is that on the statement of Manjit Kumar, who was caught in a drunken state, ten litres Mahua wine and utensils for manufacturing wine have been recovered from the paddy crops of the petitioner.

5. Learned counsel for the petitioner submitted that the land belongs to his father, Kamta Singh, and he has no connection with the same. It was further submitted that the petitioner does not live in the village and Manjit Kumar is on inimical terms with the petitioner. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP raised a preliminary objection and submitted that the application is not maintainable in view of bar of Section 76(2) of the Act. It was submitted that even if the orchard is jointly owned by any person, each and every person being responsible, the petitioner is also liable for the recovery and further, that Manjit Singh, who was caught in a drunken state, has taken the name of the petitioner and a person in a drunken stage could not have manipulated or made false statement and, thus, his statement is all the more reliable.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the objection of the learned APP. *Prima*



facie case being made out under the Act, the present application would not be maintainable.

8. Accordingly, the application stands disposed off as not maintainable.

(Ahsanuddin Amanullah, J)

J. Alam/-

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