

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31700 of 2020

Arising Out of PS Case No.-682 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Manjay Chaudhary @ Manjay Kumar Chaudhary, age 38 years, Male, Son of
Bilas Chaudhary @ Ram Bilas Chaudhary, Resident of Village - Sirsauni
Rajauli, PS- Hajipur Sadar, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Ravindra Nath Dubey, learned counsel for
the petitioner and Mr. Uday Chand Prasad, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

2. The petitioner apprehends arrest in connection with
Hajipur Sadar PS Case No. 682 of 2019 dated 17.10.2019,
instituted under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016 (hereinafter referred to as the ‘Act’).

3. The allegation against the petitioner is that when the
police raided a number of shops, from the shop of the petitioner,
10 litres of *mahua* wine was recovered.



4. At the outset, learned APP raised a preliminary objection and submitted that in view of bar of Section 76(2) of the Act, the present application for grant of anticipatory bail is not maintainable as an offence is made out under the Act.

5. Learned counsel for the petitioner submitted that similarly situated persons from whose shops also recovery has been made have been granted bail by the Court below and the case be disposed off with the observation that the case of the petitioner for bail upon surrender be considered by the Court below.

6. Having regard to the aforesaid, the application stands disposed off as not maintainable.

7. However, if the petitioner appears before the Court below within four weeks from today and prays for bail, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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