

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31867 of 2020

Arising Out of PS Case No.-89 Year-2020 Thana- KHANPUR District- Samastipur

Monu Thakur @ Ashish Anand, aged about 23 years (Male) Son of Late Ram Suresh Thakur, Resident of Village - Sadipur, Ward No. -7, Police Station - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Pramod Kumar Singh, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Khanpur PS Case No. 89 of 2020 dated 30.06.2020, 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 from his house 130 litres of Indian Made Foreign Liquor was recovered.

4. Learned APP, at the outset, raised a preliminary objection and submitted that the application is not maintainable in view of bar of Section 76(2) of the Act which does not permit an



application for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

5. It was submitted that recovery from the house of the petitioner clearly constitutes an offence under the Act.

6. Learned counsel for the petitioner could not meet the objection.

7. The Court finds substance in the objection of learned APP.

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

(Ahsanuddin Amanullah, J.)

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