

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36228 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- SAHPUR District- Patna

Supendra Kumar Son Of Ramnath Singh R/O- Patlapur, P.S.- Shahpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Ghanshyam Tiwary, Advocate
For the State : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-10-2021 Heard the parties.

The petitioner apprehends his arrest in connection with Special Case No. 5311 of 2011 arising out of Shahpur P.S. Case No. 229 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

In view of the judgment of the Full Bench of this Court in the case of *Ram Binay Yadav Vs. The State of Bihar* reported in 2019 (2) PLJR 1089 (Full Bench), this anticipatory bail application is not maintainable.

On the question of maintainability of this application, it has been submitted by Mr. Ghanshyam Tiwary, learned counsel for the petitioner, that this anticipatory bail supplication is maintainable in the light of the judgment in the case of *Ram Binay Yadav* (supra) as recovery of liquor was made from the



motorcycle of the petitioner but he was not arrested on the spot.

In the opinion of this Court, this anticipatory bail application is not maintainable in view of the fact that as per allegation made in the FIR, some persons fled away from the place of occurrence and the motorcycle of the petitioner was found laden with 30 liters of liquor.

In the circumstances, the present application for anticipatory bail under the provisions of Bihar Prohibition and Excise Act is held to be not maintainable. Hence, it is dismissed.

(Sandeep Kumar, J)

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