

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38839 of 2020

Arising Out of PS. Case No.-251 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Amar Kumar Son of Late Shiv Nandan Mahto, Resident of Village - Dekari,
P.S. - Khanpur, District – Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-10-2021 Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

Heard learned counsel Shri Ajay Kumar, appearing on
behalf of the petitioner and learned APP Shri Uma Shankar
Prasad Singh appearing on behalf of the State.

This application is for grant of anticipatory bail arises
out of Excise Case No. 251 of 2020, District- Samastipur
registered under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The prosecution story in short is that on a secret
information, a raid was conducted by officials of the excise
department at the house of the petitioner from whose courtyard,
four bottles of illegal liquor containing 375 ml each were
recovered and seized. Further, the petitioner succeeded in
fleeing away from the place.



Learned counsel appearing on behalf of the petitioner submits that the seized liquor were not recovered from the conscious possession of the petitioner. Learned counsel appearing on behalf of the petitioner further submits that petitioner has falsely been implicated in this case by someone putting liquor in his courtyard due to enmity with co-villagers.

In View of the Full Bench decision of this Court in case of ***Ram Vinay yadav Vs. The State of Bihar***, reported in ***2019(2) PLJR 1089 (F.B.)***, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Purnendu Singh, J)

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