

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69001 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- ROSHANGANJ District- Gaya

Mukesh Kumar Son Of Surendra Shaw Resident Of Village- Khajuriya, P.S.-
Bankebazar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70451 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- ROSHANGANJ District- Gaya

Rupesh Kumar Son Of Janki Sao R/V- Khajuriya, P.S- Bankebazar, Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69001 of 2022)

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 70451 of 2022)

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

As both these bail applications have cropped up from
the same police station case number, hence, with consent of
parties, they are being heard together and disposed of by this
common order.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.



Learned counsel for the petitioners submits that petitioners are innocent, not named in the FIR and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 240 kilograms of Mahua flower is said to have been recovered from three different vehicles. He submits that there is violation of provision under Section 100 of Cr.P.C. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

However, learned APP for the State opposes the prayer for bail and submits that Section 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the application of anticipatory bail contained under Section 438 Cr.P.C. and the same is confirmed by Full Bench decision of the Hon'ble High Court, Patna rendered in the case of Ram Vinay Yadav Vs. The State of Bihar reported in 2019 (2) PLJR 1089 (F.B.).

Considering the facts and circumstance of the case, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Raushanganj (Bankebazar) P.S. Case No. 230 of 2022.

(Anjani Kumar Sharan, J)

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