

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15485 of 2019**

Arising Out of PS. Case No.-402 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

BRIJ BIHARI RAM, S/o Mul Chand Ram, Resident of Village- Kurrah, Post  
- Korhi, P.S. - Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjay Kumar Patel

For the Opposite Party/s : Mr.Ansar Ul Haque

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      08-07-2019      Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Durgawati P.S. Case No. 402 of 2018 registered under Sections 30(a) and 56(d) of the Bihar Prohibition and Excise Act, 2016.

Allegation, as per FIR, is that police, during patrolling, intercepted the motorcycle of the petitioner bearing No. BR-45E-0877 and recovered 2 tetra pack containing 180 ml each.

Learned counsel for the petitioner submits that a very small quantity of liquor has been recovered from his motorcycle as such this Court may consider the same and release the petitioner on anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that illegal liquor has been recovered from the motorcycle of the petitioner and upon



perusal of FIR and seizure list as well as law laid down by the Full Bench of this Court in Cr. Appeal (SJ) NO. 431 of 2019 , *prima facie* a case under the Excise Act is made out against the petitioner as such I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is hereby rejected.

However, if petitioner surrenders before the court below within a period of three weeks from the date of receipt of a copy of this order, his prayer for regular bail shall be considered by the court below on the same day without being prejudiced by this Court.

**(Anil Kumar Sinha, J)**

sujit/-

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