

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13314 of 2019

Arising Out of PS. Case No.-472 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

=====

MUKESH RAI Son of Nagina Rai Resident of Village - Devsar Asali, P.S.-
Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr. A.L.Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 16-07-2019 The petitioner apprehends his arrest in connection with

Sahebganj P.S.Case No. 472 of 2018 registered under Sections

30(a) (d), 33 and 41(1) of the Bihar Prohibition and Excise Act

(hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the
police, upon secret information, raided the hut (*Bathan*) of the
petitioner and recovered 50 litres country made liquor along
with gas stove, cylinder and other apparatus and upon seeing the
police, two persons succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner
is innocent and has falsely been implicated in this case. He
further submits that recovery of illicit liquor and other materials
have allegedly been made from the *Bathan*, which is an open
place, however, learned counsel admits that *Bathan* is upon



the land of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that *Bathan* belongs to the petitioner from where illicit liquor along with other materials have been recovered and on perusal of FIR, it appears that a *prima facie* case under the Act is made out against the petitioner. Therefore, in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

