

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16342 of 2019**

Arising Out of PS. Case No.-268 Year-2018 Thana- DELHA District- Gaya

Arvind Paswan, Son of Shyamsundar Paswan Resident of Village -  
Marshalingyard Dhaniyabagicha Jhopadpatti, P.S.- Delha, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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

3      10-07-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Delha P.S. Case No.268 of 2018 for the offence punishable  
under Sections 272, 273 of the Indian Penal Code and Section  
30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that police  
upon secret information raided the premises of the petitioner  
and recovered 15 litres of illegal liquor from the hut / orchard of  
the petitioner.

Learned counsel for the petitioner submits that  
petitioner has falsely been implicated and the hut, from where it  
has been alleged that the illegal liquor has been recovered, does  
not belong to the petitioner.



After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from the First Information Report and the seizure list, prima facie case under the Excise Act is made out against the petitioner inasmuch as per the FIR, the illegal liquor has been recovered from the premises of the petitioner, accordingly, in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, the anticipatory bail is not maintainable. Accordingly, the same is rejected.

However, if the petitioner surrenders before the Court below within a period of 15 days and prays for regular bail, the same will be considered by the learned Court below on the same day without being prejudiced to the fact that present application stands rejected.

**(Anil Kumar Sinha, J)**

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