

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.22534 of 2019**

Arising Out of PS. Case No.-432 Year-2018 Thana- DEEPNAGAR District- Nalanda

SHAMBHU KUMAR @ SANJEET ANAND Son of Parmanand Prasad  
Resident of Village - Sarvodaya Nagar, P.S.- Deepkagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rabindra Prasad Singh  
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      18-07-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner, in the present case, is seeking anticipatory bail in connection with Deep Nagar P.S. Case No.432 of 2018 registered for the offences punishable under Sections 30(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that although the illicit liquor has been recovered from the house of the petitioner but recovery is from the ground-floor which was in possession of a tenant namely Deepak Yadav. It is submitted that the said Deepak Yadav has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court.

Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there



are prima-facie materials available on the record to show that huge quantity of illicit liquor were found in the house of the petitioner and the story now being canvassed before this Court that it was in possession of a tenant is only a pretext to get the benefit of anticipatory bail. It is further submitted that from a reading of the order dated 19.02.2019 passed in Cr.Misc.No.9887 of 2019 in the case of Deepak Yadav it would appear that he has been granted privilege of anticipatory bail because his name has transpired in the confessional statement of the co-accused without there being any recovery either from his possession or from his constructive possession.

Having heard learned counsel for the petitioner and the State, in view of the Full Bench judgment of this Court, finding that there are prima-facie materials against the petitioner, I am not inclined to entertain this anticipatory bail application. This application is dismissed.

**(Rajeev Ranjan Prasad, J)**

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