

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17652 of 2019**

Arising Out of PS. Case No.-519 Year-2018 Thana- DHAKA District- East Champaran

RAM BINAY MISHRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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

3      25-06-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dhaka Police Station Case No. 519 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police got secret information that the petitioner was coming from Ghorasahan on his motorcycle with illicit liquor. When the police tried to stop the motorcycle, the persons sitting on the motorcycle fled away, leaving behind the motorcycle. The said motorcycle, bearing registration number BR 05J-8913 was seized by the police, and on search, the police recovered 150 bottles of Nepali liquor, each containing 300 ml., having total



quantity of about 45 litres.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and no recovery has been made from the conscious possession of the petitioner.

Learned Additional Public Prosecutor opposes the prayer for bail.

After having heard learned Counsel for the parties concerned, in my opinion, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner, Ram Binay Mishra, surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered and decided on the same day, without being prejudiced by the present order of dismissal.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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