

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15895 of 2019

Arising Out of PS. Case No.-501 Year-2018 Thana- SONEPUR District- Saran

ANIL KUMAR Son of Late Dhuri Ray Residence of Village-Sabalpur
Chaharam Presently Sabalpur Kachahari Bazar, Police Station-Sonepur,
District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-07-2019 The petitioner apprehends his arrest in connection with
Sonepur P.S.Case No. 501 of 2018 registered under Sections
30(a) and 37(b) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that police
received information that petitioner had kept illegal wine in the
Gumti situated at Sabalpur Kachari Bazar, Sonepur for sale. The
police raided the place and caught hold one Raushan Kumar in
drunken condition near the *Gumti* of the petitioner and
recovered in total 2.5 litres of foreign liquor from there.

Learned counsel for the petitioner submits that petitioner
has got no criminal antecedent and he has falsely been
implicated on the basis of confessional statement of co-accused
namely Raushan Kumar. He further submits that quantity of



recovery of liquor is very small as such petitioner deserves privilege of anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor/bear has been recovered from the *Gumti* of the petitioner and there is no denial of the fact that *Gumti* belong to the petitioner as such a *prima facie* case under the Excise 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/-

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