

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36379 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- NAUBATPUR District- Patna

1. Ranjit Yadav @ Ranjit Kumar, S/o Sri Ambika Yadav @ Ambika Gop R/o Village- Tarwan, P.S.- Naubatpur District- Patna.
2. Ishwar Yadav @ Ramishwar Yadav S/o Late Rajaram Yadav R/o Village- Tarwan, P.S.- Naubatpur District- Patna.
3. Amarjit Yadav S/o Sri Sidhi Yadav R/o Village- Tarwan, P.S.- Naubatpur District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Naubatpur P.S. Case No.185 of 2019 for the offence punishable under Sections 30(a), 38(ii) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that police upon secret information that petitioners were indulged in trading of liquor raided the joint house of the petitioners and recovered a total quantity of about 28.5 litres of illicit liquor from the house of the petitioners near the Baswari, Dalan of the petitioner and the illicit liquor was concealed with the help of one motorcycle which was also seized by the police.



Mr. Jai Prakash Verma, learned counsel appearing for the petitioners submits that petitioners are innocent and has falsely been implicated in this case due to village politics. Learned counsel further submits that illicit liquor has not been recovered from the conscious possession of the petitioners and the same has been recovered from the cowshed of Baswari in the house of the petitioner. Learned counsel for the petitioner submits that it has not been recovered from the house of the petitioner, there is no Baswari near the house and Dalan of the petitioner.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from perusal of the First Information Report, it appears that illicit liquor has been recovered from the premises belonging to the petitioners and in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is hereby rejected.

sanjeev/-

(Anil Kumar Sinha, J)

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