

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42885 of 2019

Arising Out of PS. Case No.-168 Year-2019 Thana- ISLAMPUR District- Nalanda

Manoranjana Prasad, S/O Late Prasadi Garai Resident of Village- Korawan,
P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Islampur P.S. Case No.168 of 2019 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner that the police
arrived at the village Korawan and made a search in the house
of the petitioner and recovered 9 litres of prohibited illicit
English wine from the door of the house of the petitioner.

Learned counsel for the petitioner submits that no
offence is made out against the petitioner as the recovery of
illicit liquor has been made from the door of the petitioner.
Learned counsel for the petitioner further submits that no



recovery has been made from the inside of the house, as such petitioner deserve the privilege of anticipatory bail.

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 the illicit liquor has been recovered from the house of the petitioner near the door, accordingly, prima facie case under the Excise Act is made out against the petitioner.

Accordingly, 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 rejected.

If the petitioner surrenders before the Court below within fifteen days from today, the learned Court below shall consider his application for regular bail on the same day without being prejudiced by the rejection order of this Court.

(Anil Kumar Sinha, J)

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