

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43075 of 2019**

Arising Out of PS. Case No.-34 Year-2019 Thana- HATHAURI District- Muzaffarpur

Upendra Sahani @ Upendar Sahni, S/o Shankar Sahni, R/o village- Dakrama,
P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Madhuri Lata

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

2 12-07-2019 This is an application for grant of anticipatory bail in connection with Hathauri P.S. Case No.34 of 2019, disclosing offences under Sections 272, 273, 467, 468, 420, 270, 228, 475, 472, 419 of IPC and Sections 30(a), 32(ii), 35, 36, 38 (I) (ii) of the Bihar Prohibition and Excise Act, 2016.

Written report lodged by the police it appears that police on information raided the village of the petitioner and huge quantity of country made liquor was recovered from the orchard and it further appears that 35 liters of illicit liquor was recovered from the house of the petitioner.

Submission of the learned counsel for the petitioner is that seizure list shows that liquor has not been recovered from the possession of the petitioner and he has no criminal antecedent.

Heard learned A.P.P. also, who has opposed the prayer



for anticipatory bail on the ground that there is allegation of recovery from his house and even seizure list also shows that recovery is from the house of the petitioner also, as such, there is prima facie case against the petitioner.

Having heard both sides, in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, the same shall be considered by the learned court below on its own merit.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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