

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52406 of 2019**

Arising Out of PS. Case No.-49 Year-2019 Thana- BALIA BELON District- Katihar

1. PRABHASH PARIHAR Son of Pirthvi Parihar Resident of Village - Pilkhana, P.S.- Balia Belon, District- Katihar
2. Dipti Devi @ Dipta Devi Wife of Pirthvi Parihar, D/O- Sagri Chaudhary Resident of Village - Pilkhana, P.S.- Balia Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ratnakar Ambastha

For the Opposite Party/s : Mr.Vinod Shanker Modi

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

3      02-09-2019                      This application, for grant of anticipatory bail, arises out of Balia Belon P.S. Case No. 49/2019, disclosing offences under Sections 30 (a) of the Bihar Prohibition of Excise Act, 2016.

Allegation is of recovery of 80 litres of liquor from the house of the petitioners.

Submission of learned counsel for the petitioners is that they have falsely been made implicated in this case and wife and husband both has been made accused.

Learned counsel for the State opposed the prayer for bail and submitted that there is recovery from the house of the petitioners and apart from that they have criminal antecedent as



such they do not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed.

**(Vinod Kumar Sinha, J)**

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