

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42686 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Dilip Choudhary, son of Siyaram Choudhary Resident of Village - Purnahi
Ward No.1, P.S.- Warisnagar, Dist.- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Samastipur Excise Case No.196 of 2019 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

The allegation against the petitioner is that the police
raided his house and recovered 45 litres of illegal liquor from
the house of the petitioner.

Learned counsel for the petitioner submits that it is
joint house and the illegal liquor has been recovered from the
court-yard of the house, as such, no offence against the
petitioner is made out.



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 recovery of illegal liquor has been made from the house / premises of the petitioner and upon perusal of the First Information Report and the seizure list, prima facie case 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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