

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42696 of 2019**

Arising Out of PS. Case No.-33 Year-2019 Thana- KODHOBARI District- Kishanganj

SURESH TUDU @ SARKAR TUDU Son of Late Lukhi Ram Tudu Resident  
of Village - Patharghatti Shishabari, P.S.- Kodhobari, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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

2      10-07-2019                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Special Case No. 170 of 2019, arising out of Kodhobari Police Station Case No. 33 of 2019, disclosing offence under Sections 30(a), 37 (a) (b) (c) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner is that the police, upon raid in the house of the petitioner, has recovered two litres of illicit liquor.

Learned Counsel for the petitioner submits tht the petitioner is innocent and the place from where the illicit liquor was recovered by the police is not the house of the petitioner.



After having heard learned Counsel for the parties concerned and taking into consideration the fact that from the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *primas facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, this application is not maintainable and is, accordingly, dismissed.

However, considering the small quantity of illicit liquor recovered from the house of the petitioner, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered and decided on the same day, without being prejudiced by the present order of dismissal.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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