

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45167 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- BHAWANIPUR District- Purnia

ANIL RISHIDEV @ ANIL RISHI Son of Late Budhan Rishidev Resident of
Village- Akbarpur, Police Station- Bhawanipur, Akbarpur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-07-2019 This application, for grant of anticipatory bail, arises out of Special Excise Case No. 442 of 2019 (arising out of Bhawanipur (Akbarpur) P.S. Case No. 94/2019) disclosing offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act, 2016.

Allegation is of recovery of 13 litres of liquor from the house of the petitioner.

Submission of learned counsel for the petitioner is that he has no criminal antecedent and has falsely been implicated in this case and the seizure list does not bear the signature of independent witnesses.

Learned counsel for the State opposed the prayer for bail and submitted that there is recovery from the house of the petitioner and as such, *prima facie* case is made out against the



petitioner.

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 petitioner rather petitioner 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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