

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47417 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- BIHIA District- Bhojpur

Dayanand Nidhi Paswan S/o Late Radha Paswan R/o village- Teghra
(Krishnapuri), P.S.- Bihiya, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Bihiya P.S. Case No. 148 of 2019 and Excise Case No. 907 of
2019 registered for the offence under Sections 30(a) Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner is that house of
the petitioner was raided and total quantity of 15 liters illicit
liquor was recovered from a room situated near the south-west
of the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner has got no criminal antecedent and the house from
where the said liquor was recovered is a joint family property
and several persons are living together in that house.



Accordingly, he submits that the petitioner may be released on anticipatory bail.

After having heard learned counsel for the parties and taking into consideration that the illicit liquor has been recovered from the house of the petitioner, in view of the full Bench decision passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the learned court below within 15 days and seeks regular bail, the court below will consider his prayer for bail on its own merit without being prejudiced about the fact that the present bail application has been dismissed by this court.

(Anil Kumar Sinha, J)

Aks/- rahul

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