

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53929 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- ALOULI District- Khagaria

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Bantu Yadav @ Mantu Yadav, Male, Aged about 36 years, Son of Bisho Yadav @ Bisheshwar Yadav, Resident of Village - Sundabhar, P.S.- Alauli, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Alauli P.S. Case No. 224 of 2019 registered under sections 30, 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation against the petitioner is that police raided the house, flour mill and departmental store of the petitioner and recovered total quantity of more than 6 liters of illicit liquor.

Mr. Anil Prasad Singh, learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the house was thatched



house and it was situated far away from the village and the petitioner has got no criminal antecedent. Learned counsel further submits that the seizure list was not prepared as per the provisions of Section 100 of Cr.P.C and there is no signature of any inmates of the house in the seizure list.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from the house/flour mill, grocery shop of the petitioner, in view of Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below within a period of 15 days and seeks regular bail, learned Court below may consider his application for regular bail on the same day without being prejudice to the fact that the application for the anticipatory bail has been dismissed by this Court.

(Anil Kumar Sinha, J)

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