

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53924 of 2019**

Arising Out of PS. Case No.-212 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Samastipur

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Mangal Sah alias Rajesh Sah alias Rajesh Kumar Sah aged about 40 years (male), son of Ram Pukar Sah, resident of village- Gangapur Chouk, Ward No. 2, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Kumari Vandana, Adv.

For the Opposite Party/s : Mr. Atul Chandra, 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 Excise Case No. 212 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is that the Excise Officials conducted a raid in the house of the petitioner and recovered a total quantity of 3.7 liters of illicit liquor from the house of the petitioner.

Ms. Kumari Vandana, learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and the house belongs to the joint family property in which other family members also reside as such the petitioner



has falsely been implicated in this case. Learned counsel further submits that the police has not prepared the seizure list as per the provisions of Section 100 of Cr.P.C. and none of the witnesses are from the village and near the place of occurrence.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the house of the petitioner as such in view of Full Bench Judgment, 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 prejudiced to the fact that the application for the anticipatory bail has been dismissed by this Court.

**(Anil Kumar Sinha, J)**

Anjula/-

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