

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54624 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- CHANPATIA District- West Champaran

ALIRAJ MIAN Son of Late Dildaar Mian @ Jildar Miyan Resident of
Village- Tirbhutiya Tola, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Chanpatia Police Station Case No. 136 of 2019, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the meat shop of the petitioner was raided by the police and the police recovered 10 litres of illicit liquor from the said kabab shop of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicate in this case inasmuch as the hotel is a public place and so many customers come and if some illicit liquor has been found, the petitioner may not be held



guilty for the same as the illicit liquor has been found where the member of the public visit frequently. Learned Counsel for the petitioner further submits that the shop, in question, does not belong to the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the kabab shop of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima 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)**, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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