

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57202 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- BAIRIYA District- West Champaran

JAILAL SAH @ JAILAL PRASAD Son of Kamal Sah @ Kamal Prasad
Resident of Village - Malahi Tola, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bairiya Police Station Case No. 210 of 2018, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that his meat shop was raided by the police and recovered 02 litres of illicit liquor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. He further submits that the shop, from where the recovery of illicit liquor has been made, 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 shop run by 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.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within fifteen days from today and applies for regular bail, his application may be considered on the same day, keeping in mind the small quantity of illicit liquor recovered from the meat shop of the petitioner and without being prejudiced with the fact that the present application of anticipatory bail has been rejected by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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