

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60750 of 2019

Arising Out of PS. Case No.-191 Year-2019 Thana- DHAKA District- East Champaran

Ranjeet Mukhiya, Son of Dhorai Mukhiya @ Dhodhai Mukhiya Resident of
Village - Barharwa Siwan, P.S.- Dhaka, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Dhaka P.S. Case No.191 of 2019, for the offence punishable
under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

The allegation against the petitioner is that police
raided the Gumti of the petitioner and recovered a total quantity
of 33 litres of illicit liquor from the Gumti belonging to the
petitioner.

Mr. Sanjay Parasmani, learned counsel appearing for
the petitioner submits that petitioner has falsely been implicated
in this case mainly on the statement of co-villagers and there is
no source of identification of the petitioner. Learned counsel
further submits that Gumti, from where illicit liquor has been



recovered, does not belong to the petitioner and petitioner is nor the owner of the Gumti.

Having regard to the submissions made by the parties and taking into consideration the fact that from perusal of First Information Report, it appears that police has recovered illicit liquor from the Gumti of the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is rejected.

However, if the petitioner surrenders before the Court below within a period of fifteen days from today and seeks regular bail, the learned Court below may consider his application for regular bail on its own merit without being prejudiced the fact that the present bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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