

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65378 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- WARISLIGANJ District- Nawada

NAVIN SINGH @ NAVIN BABA @ NAVIN KUMAR SINGH, Son of Late
Rajeshwar Singh, Resident of Village - Kochgaon, P.S.- Warisaliganj, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Warisaliganj Police Station Case No. 252 of 2019,
disclosing offence under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the house of the petitioner was
raided by the police and the police recovered 6.750 litres of
illicit liquor from the said house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicate in this case. He further
submits that nobody was present in the house at the time of raid



and the seizure list was not prepared according to the provisions of Section 100 of the Code of Criminal Procedure, 1973.

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 house 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.

However, if the petitioner surrenders before the Court below within a period of two weeks from today and seek regular bail, his application for regular bail may be considered by the learned Court below on the same day on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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