

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65215 of 2019

Arising Out of PS. Case No.-233 Year-2019 Thana- BAKHARI District- Begusarai

Md. Meraj, Son of Mustakh Alam @ Duli Resident of Village - Bakhari, P.S.-
Bakhari, Distt - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bakhari P.S. Case No.233 of 2019 corresponding to G.R.
No.647 of 2019, for the offence punishable under Section 30(a)
of Bihar Prohibition & Excise Act, 2016.

The allegation against the petitioner is that the house
of the petitioner was raided and police recovered a total quantity
of 5 litres 400 ml of illicit liquor from the house of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and he has got
no criminal antecedent. Learned counsel further submits that



there is discrepancy between the statement made in the First Information Report and seizure list inasmuch as in the First Information Report, police has stated that the illicit liquor has been recovered from the room situated below the house whereas in the seizure list, the police has mentioned that it has been recovered from a room situated in first floor of the house. Learned counsel further submits that in fact the petitioner has been implicated in this case at the behest of his uncle as he resides at the second floor of the house owned by the joint family.

Having regard to the submissions made by the parties and taking into consideration the fact that from perusal of First Information Report and the seizure list, it appears that illicit liquor has been recovered from the house 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 hereby rejected.

However, if the petitioner surrenders within fifteen days and seeks regular bail before the learned Court below, the same may be considered on the same day, taking into consideration the fact that small quantity of liquor has been



recovered from his possession, without being prejudiced to the
fact that this application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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