

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65087 of 2019**

Arising Out of PS. Case No.-320 Year-2019 Thana- HARNAUT District- Nalanda

MUKESH KUMAR, son of late Pyare Yadav, Resident of village Bhathiyar,  
P.S.- Harnaut (Gokulpur), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      23-10-2019      The petitioner apprehends his arrest in connection with  
Harnaut (Gokulpur) P.S.Case No. 320 of 2019 registered under  
Sections 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that a total  
quantity 06 litres of illicit liquor has been recovered from the  
house of the petitioner.

Learned counsel for the petitioner submits that petitioner  
has falsely been implicated in this case inasmuch as house from  
where illicit liquor has been recovered belongs to the joint  
family and search and seizure has not been conducted as per  
provisions of Section 100 Cr.P.C.

Having regard to the submissions made by the parties and  
taking into consideration the fact that from perusal of the FIR  
and the seizure list, it appears that illicit liquor has been



recovered from the house of the petitioner, therefore, in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

However, in case, petitioner surrenders before the court below within a period of three weeks and files application for regular bail, the same may be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

**(Anil Kumar Sinha, J)**

sujit/-

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