

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65338 of 2019

Arising Out of PS. Case No.-184 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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NANESAR PASWAN @ NAKESHAR PASWAN Son of Sarju Paswan
Resident of Village - Ghutiya Pahadpur, P.S.- Magadh Medical, District -
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-11-2019 The petitioner apprehends his arrest in connection with
Magadh Medical P.S.Case No. 184 of 2019 registered under
Section 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that house
of the petitioner was raided and 40 litres Jawa Mahua and 05
litres Mahua liquor was recovered from his house.

Learned counsel for the petitioner submits that petitioner
is petitioner has not committed any offence as alleged and he
has got no criminal antecedent. He further submits that though
in the FIR , the police has alleged that 40 litres Jawa Mahua has
also been found in the house of the petitioner but from perusal
of the seizure list, it appears that only 05 litres illicit Mahua
liquor has been recovered from the house of the petitioner.



Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from the house of the petitioner as such a *prima facie* case under the Excise Act is made out against 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 four weeks and files application for regular bail, the same may be considered on the same day on its own merit without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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