

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73875 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- KHAGAUL District- Patna

Vijay Mahto Son of Ganga Dayal Mahto R/o- Kothwa, Murgiya Chak, P.S.-
Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Khagaul P.S. Case No. 188 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

The allegation against the petitioner as per the prosecution story is that the police recovered a total quantity of 342 litres of illicit IMFL from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case. He further submits that the house, from where the liquor was recovered, is a joint family house and the petitioner is not the exclusive owner of the house.



Having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from the house of the petitioner, thus, in view of the full bench judgement passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected accordingly.

However, if the petitioner surrenders before the court below within a period of 15 days and seeks for regular bail, the court below will consider the case for grant of regular bail on its own merits without being prejudiced to the fact that this Court has dismissed this application.

(Anil Kumar Sinha, J)

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