

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74962 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- NADI P.S. District- Patna

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Kallu Ahmad aged about 39 years, Gender – Male, S/o Md. Rafi, Resident of
Village- Sabalpur, P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Petitioner apprehends his arrest in connection with

Special Case No. 6459 of 2019 arising out of Nadi P.S. Case No.

147 of 2019 registered for the offence punishable under Section

30(a) of the Bihar Prohibition & Excise Act, 2016 [hereinafter

referred to as Excise Act].

The allegation against the petitioner is that Police

recovered a total quantity of 22.250 liters of illicit liquor from

the shop of the petitioner.

Learned counsel for the petitioner submits that

petitioner is not the owner of the shop in question and he has

been made accused on the basis of secret information received

by the Police that the petitioner is the owner of the shop.

Learned counsel further submits that petitioner has got no

criminal antecedent.



Having heard learned counsel for the parties and taking into consideration the fact that upon perusal of the First Information Report and the seizure list *prima facie* a case under the Excise Act is made out against the petitioner, as such, in view of the Full Bench judgment of this Court passed in Criminal Appeal (SJ) No. 431 of 2019 [Ram Vinay Yadav Versus The State of Bihar], I am not inclined to grant anticipatory bail to the petitioner.

However, if the petitioner surrenders before the learned court below and seeks regular bail, the same may be considered by the learned court below on its own merit without being prejudiced by the fact that the present application has been rejected by this Court.

(Anil Kumar Sinha, J)

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