

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76930 of 2019**

Arising Out of PS. Case No.-629 Year-2019 Thana- KADAMKUAN District- Patna

SHAILESH DUTTA TIWARI @ GUDDU TIWARI S/o Sri Awadhesh Dutta  
Tiware Resident of Mathura Prasad Sinha Road, P.S.- Kadamkuan, District-  
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Sinha

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

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

This application for grant of anticipatory bail arises  
out of **Kadamkuan P.S. Case No. 629 of 2019 (Special Case  
No. 8581 of 2019)**, disclosing the offence under Section 30(a) of  
the Bihar Prohibition and Excise Act, 2016.

It is alleged in the First Information Report that from  
the petitioner's house, the Police recovered 22 bottles of  
Imperial Blue wine containing 180 ml. each.

Learned counsel appearing on behalf of the petitioner  
has submitted that though, it is true that the house belongs to the  
petitioner, recovery has been made from rented premises and  
just in order to falsely implicate the petitioner, his tenants have



been made witnesses to the seizure in question. The petitioner has no criminal antecedent, he contends.

In view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is, accordingly, dismissed as not maintainable.

However, considering the quantity of liquor (3.960 ltrs.) said to have been recovered, the petitioner is directed to surrender before the Court below within four weeks from today and seeks regular bail, if so advised. If he does so, his application for regular bail shall be considered and disposed of on the same day.

**(Chakradhari Sharan Singh, J)**

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