

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77653 of 2019**

Arising Out of PS. Case No.-108 Year-2019 Thana- BIRAUL District- Darbhanga

RAM JATAN YADAV S/o Sri Gunjan Yadav @ Gujjo Yadav R/o village-  
Nunukala, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Brisketu Sharan Pandey

For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      28-11-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Biraul P.S. Case No. 108 of 2019 registered under Sections 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018, pending in the court of learned A.D.J. 2<sup>nd</sup> – cum – special Judge, Excise, Darbhanga.

Learned counsel for the petitioner submits that on the one hand it is the prosecution story that taking benefit of the darkness three persons fled away, therefore it is difficult to believe how the police could know the place where the illicit liquors were stored in the house. It is further submitted that the petitioner was not present in his house at the time of raid and has no criminal antecedent.



Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submits that there being recovery of huge quantity of illicit liquors lying in 451 Bottles of 750 ML., 856 Bottles of 180 ML. each and the house admittedly belonging to the petitioner, it cannot be said that no prima facie material is present in this case. It is his submission that there being some prima-facie material. In view of the Full Bench judgment of this court in the case of **Vinay Yadav Vs. State of Bihar reported in 2019(2) PLJR 1089** anticipatory bail is not fit to be entertained.

Considering the facts and circumstances of the case where the seizure list shows that recovery of huge illicit liquor have been made from the house of this petitioner, the submission of learned counsel for the petitioner cannot be accepted. There being some material on the record, anticipatory bail application cannot be entertained. It is dismissed, accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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