

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2067 of 2020

Arising Out of PS. Case No.-682 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

RANJEET PASWAN Son of Mahesh Paswan Resident of Village - Panapur
Langa, P.S.- Hajipur Sadar, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Hajipur Sadar P.S. Case No. 682 of 2019, registered, for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner is that the police
recovered a total quantity of 5 litres of illicit Mahua liquor from
the courtyard of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case inasmuch as the house from where the illicit liquor has
been recovered is joint family property and other members of



the family also reside there. Learned counsel further submits that the police at the time of seizure has not followed the procedure under Section 100 Cr.P.C.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the first information report and the seizure list, it is evident that the illicit liquor has been recovered from the house /courtyard of the petitioner and in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, the anticipatory bail is not maintainable. Accordingly, the same is rejected.

However, if the petitioner surrenders before the Court below within a period of four weeks and prays for regular bail, the same may be considered by the learned Court below on the same day without being prejudiced with the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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