

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2073 of 2020**

Arising Out of PS. Case No.-412 Year-2019 Thana- AKBARPUR District- Nawada

Usha Devi, Wife of Ram Awatar Manjhi Resident of Village - Derma, P.S.-  
Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      02-03-2020                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Akbarpur P.S. Case No.412 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  
raided the house of the petitioner and recovered a total quantity  
of 100 litres of illicit Mahua liquor from the house of the  
petitioner, out of which 95 litres were destroyed by the police  
party and 5 litres was recovered as sample by the police.

Learned counsel appearing for the petitioner submits  
that the petitioner is innocent and has falsely been implicated in



this case. 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 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.

**(Anil Kumar Sinha, J)**

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