

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11364 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- VIDYAPATINAGAR District-Samastipur

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PINTU SAH @ PINTU KUMAR SAH Son of Surendra Sah @ Bahru Sah
Resident of Village - Kancha, P.S.- Ghatho, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 11-06-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

This application for grant of anticipatory bail arises out of Vidyapatnagar Police Station Case No. 138 of 2019, disclosing offence under Sections 323/341/353/504 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The allegation against the petitioner, as per the First Information Report, is that the police raided the house of the petitioner and recovered 73.905 litres of illicit liquor from the said house of the petitioner.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner had contested the PACS election in the area. He further submits that the house, from where illicit liquor has been recovered, belongs to joint family.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, passed in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the same will be considered by the learned Court below on the same day without being prejudiced by the dismissal of the present application for anticipatory bail



and further that the petitioner has got no criminal antecedent.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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